



REPORT
OF
COMMITTEE ON DOCKS,

ADVERSE TO APPLICATION OF
THE NEW YORK AND LONG ISLAND RAILROAD COMPANY,
FOR PERMISSION TO JOIN THIS CITY WITH LONG ISLAND BY
RAILWAY TUNNELS.

BOARD OF ALDERMEN,
JANUARY 29, 1889.



DOCUMENT No. 2.

NEW YORK:
MARTIN B. BROWN, PRINTER AND STATIONER,
Nos. 49 AND 51 PARK PLACE.
1889.

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BOARD OF ALDERMEN,
JANUARY 29, 1889.

The following resolution was reported by the Committee on Docks, and adopted :

Resolved, That all the applications made by the New York and Long Island Railroad Company, by Roy Stone, President, for the consent of the Board of Aldermen to the construction of a tunnel railway, joining this city with Long Island, mentioned in the accompanying application, be and are hereby denied and such consent refused ; that your Committee be discharged from the further consideration of the subject ; that the report and accompanying papers be placed on file, and that five hundred copies thereof be printed in document form.

F. J. TWOMEY,
Clerk.



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REPORT.

The Committee on Docks, to whom was referred a petition, signed by Roy Stone, President of the New York and Long Island Railroad Company, praying that action be taken by the present Board of Aldermen on applications heretofore made by that company, to authorize the said company to construct tunnels under the waters of the East river and beneath certain of the streets in this city, respectfully

REPORT:

That it was not necessary to remind your Honorable Body, as does this new application, "that throughout the past year the company has constantly sought the consent of your Honorable Body to the construction of a tunnel railway joining this city with Long Island," nor is it necessary to inform Mr. Roy Stone and his company that the Common Council of this city has constantly and persistently denied the application. The villification to which the members of the Common Council was subjected last year, and the villainous attempt made to injure their reputations, both as citizens and officials—at the instance of Mr. Stone and his friends—served to remind the re-elected members of the late Board of the former fact. The action

recommended herewith by your Committee will, it is hoped, convince Mr. Stone and his friends that a similar line of conduct, which they have seemingly entered upon in their efforts to influence the members of the present Common Council, will serve to keep constantly before the minds of Mr. Stone and his friends the latter fact ; and it may be well, in addition, to assure him and the other aiders and abettors of this tunnel scheme of railroad, for benefiting Long Island at the expense of New York, that your Committee believe the Common Council of the City of New York would deem themselves recreant to the trusts confided to their care by their constituents, did its members, or a majority of them, consent to the scheme, thereby inflicting a blow to the welfare and prosperity of this city, from which it would not, because it could not, recover.

Your Committee, in their consideration of the present application, have been greatly facilitated by the aid given them in reports of Committees of the late Board of Aldermen, made on the subject. The majority of the Committee on Railroads, on the 17th day of last April, presented a report adverse to the application of this company, which so clearly set forth the objects, purposes and results of the measure, that the Board, by a vote of 19 in the affirmative to 4 in the negative, refused to give the desired consent, and made their opposition final by refusing to reconsider the vote by

which the adverse report was adopted. A modified application was subsequently presented and referred to the Committee on Bridges and Tunnels. That Committee reported the scheme favorably, by a bare majority, on the 2d of January, in the present year, and the Board, by a vote of a 11 in the affirmative to 4 in the negative, laid the report on the table. On the 22d of January, 1889, the accompanying application was presented in the Board and referred to the Committee on Docks. The recommendation your Committee intend to make, and which they trust your Honorable Body will adopt, will, it is hoped, induce Mr. Stone to withhold any other applications for tunnel privileges across Manhattan Island, and that thereby the members of your Honorable Body will escape the tirade of abuse, unjust accusation and bitter denunciation which seem to be inseparable from the expressed determination of a large majority of the members of the Board to refuse Mr. Stone and his partners the right to inflict irreparable damage upon the City of New York, without the slightest benefit, directly or indirectly, to our own people.

Your Committee, in this connection, deems it not inappropriate to remark, that the prevalent custom of attacking members of the Common Council, of the city, in the columns of the daily newspapers, oftentimes, as in the present instance, without the shadow of a reason, is growing to be a very serious evil, and one that mili-

tates against the best interests of our city and its people. The position of a chosen representative in the Common Council, each of whom represents a large constituency, and in the aggregate, the entire people of this city, should be regarded as an honorable one, until, at least, something dishonorable or dishonest has been proven against him, and should entitle its possessor at least to the common civilities and amenities of civilized life. The contrary is, however, the case, and public sentiment, framed and directed generally by speculators in public franchises, who, by some occult science, secures the control of some of our public journals, is against any man, no matter how upright, honorable or competent he may be as a legislator, whose public acts cannot be controled by them, and whose service they cannot secure. It is unfortunate that this is an uncontrovertible fact; it is nevertheless true and is a great calamity, as it deters many high-minded, honorable and able men from assuming the weight of odium that attaches to the position, and will so continue to deter them until a reaction takes place in public sentiment. The legitimate fruits of this undesirable condition of holding public office in our city government is becoming more and more apparent to the most casual observer, and unless an antidote to this moral poison is applied speedily, it will result in the utter demoralization—not to say annihilation—of government by the people.

One of the newspapers most prominent in abusing the members of this Board secured only a few days ago a privilege worth to it many thousands of dollars, as it enabled the proprietor of that paper to add hundreds if not thousands of superficial feet to its proposed press-room area. The petition for the privilege was presented, passed by the Board, approved by the Mayor, and a duly certified copy furnished, all within twenty-four hours. It is surprising that the facility with which this great privilege was secured to the *World* newspaper, did not suggest the idea of "buddle" to some of its contemporaries and competitors, as the alacrity exhibited in granting the privilege, without reference or question, in the anxiety of the Board to serve the great newspaper, certainly leads to the suspicion, if it does not justify the conclusion, that improper motives actuated the Board in passing and the Mayor in approving the resolution granting the privilege; and as the privilege is revocable by the Common Council, it might be well to do so, in order to satisfy the skeptical, if there are any, that such was not the case, but that the valuable privilege was granted out of pure good will to Mr. Pulitzer.

A slight scrutiny only is necessary to justify your Committee in recommending your Honorable Body to set the seal of your disapproval and condemnation on this proposed scheme of uniting this city with Long Island by a tunnel beneath our streets and the waters

of the East river. Eight to fifteen millions of dollars is given as the probable cost of the work. The New York and Long Island Railroad Company, Roy Stone, President, is organized to do it, with a capital of \$100,000, of which not one per cent., or \$1,000, is yet paid up. He must place a very low estimate on the value of a vote of a member of your Honorable Body if he supposes, as he seems to desire the public to infer, that money has been asked to secure favorable action on his application. It is to be hoped that the entire capital stock—not the sum paid up—would not be sufficient for the purpose. Aldermen's votes should not be held so cheap. No preliminary surveys have been made; it is not known positively whether the scheme is or is not practicable; no details are given of the duration of the work; its effect upon adjoining buildings; what alterations it will necessitate to the location of sewers, water, gas or steam pipes, electrical conduits, or private vaults, and no security is offered to save the city or property-owners harmless from any loss or damage that may occur to either during the progress of the work. Mr. Roy Stone, President, is simply an employee of the Department of Public Works, is in no way or manner a responsible person, does not own a dollar's worth of property in the city, if anywhere else, has no interest whatever, other than the amount of salary he draws from its treasury, in its welfare or prosperity, and it is very questionable if any of his associates are better qualified to engage in such an extensive

enterprise ; and your Committee has come to the conclusion that Mr. Stone and his associates in the "New York and Long Island Railroad Company " are simply cat's paws, chartered or incorporated to draw this municipal chestnut out of the fire for the use of more important and better known individuals, who, if their identity appeared, would arouse a feeling of indignation at this new one of the many schemes they have inaugurated and established, by which they have enriched themselves at the expense of the City of New York and its people.

Fortunately, your Committee have been aided in their investigations by many of the owners of property likely to be affected by the proposed tunnel. With a public spirit, in the highest degree commendable, they have taken a leading part in exposing the shallow pretenses of Mr. Stone and his associates. These gentlemen, through a committee of their number, have caused their views of the project to be presented, and as they are in full accord with those held by your Committee, it is suggested that they be printed, with the report of the majority of the Committee on Railroads, April, 17, 1888, as an appendix to this report of your Committee, together to form one of the documents of this Board, thereby giving a connected statement of the reasons that have induced your Committee to recommend your Honorable Body to refuse the permission asked by the New York and Long Island Railroad

Company to connect this city and Long Island by underground tunnels.

The following resolution is, therefore, respectfully offered for your adoption :

Resolved, That all the applications made by the New York and Long Island Railroad Company, by Roy Stone, President, for the consent of the Board of Aldermen to the construction of a tunnel railway, joining this City with Long Island, mentioned in the accompanying application, be and are hereby denied and such consent refused; that your Committee be discharged from the further consideration of the subject; that the report and accompanying papers be placed on file, and that five hundred copies thereof be printed in document form.

WILLIAM H. WALKER,	}	<i>Committee on Docks.</i>
JAMES F. BUTLER,		
WILLIAM TAIT,		
WILLIAM P. RINCKHOFF,		
CHRISTIAN GOETZ,		

Alderman Storm moved that the report of the Committee be laid over.

The President put the question whether the Board would agree with said motion.

Which was decided in the negative, on a division called by Alderman Storm, as follows :

AFFIRMATIVE—The President, Vice-President Fitzsimons, Aldermen R. J. Barry, Gregory, Gunther, Morris, Noonan, Shea, and Storm—9.

NEGATIVE—Aldermen D. Barry, Butler, Carlin, Clancy, Cowie, Divver, Dowd, Flynn, Goetz, Hammond, Oakley, Rapp, Rinckhoff, Sullivan, Tait, and Walker—16.

Alderman Storm arose to a point of order, and stated it to be, that the report must necessarily lay over as the printing of the report involved an expenditure of money.

The President declared the point of order not well taken, on the ground that the printing of the report formed part of the proceedings of the Board.

Alderman Gregory moved to amend by striking from the resolution all but the portion relating to discharging the Committee from the further consideration of the subject.

But the President ruled the motion out of order.

Alderman Fitzsimons moved to amend by striking out that portion referring to the printing of five hundred copies of the report and accompanying papers.

The President put the question whether the Board would agree with said motion.

Which was decided in the negative on a division called by Alderman Sullivan, as follows :

AFFIRMATIVE—The President, Vice-President Fitzsimons, Aldermen D. Barry, R. J. Barry, Gregory, Gunther, Morris, Noonan, and Storm—9.

NEGATIVE—Alderman Butler, Carlin, Clancy, Cowie, Divver, Dowd, Flynn, Gilligan, Goetz, Hammond, Oakley, Rapp, Rinckhoff, Shea, Sullivan, Tait, and Walker—17.

The President put the question whether the Board would agree to accept the report and adopt the resolution.

Which was decided in the affirmative on a division called by Alderman Walker, as follows :

AFFIRMATIVE—Aldermen D. Barry, Butler, Carlin, Clancy, Cowie, Divver, Dowd, Flynn, Gilligan, Goetz, Hammond, Oakley, Rapp, Rinckhoff, Sullivan, Tait, and Walker—17.

NEGATIVE—The President, Vice-President Fitzsimons, Aldermen R. J. Barry, Gregory, Gunther Morris, Noonan, and Storm—8.

Alderman Shea was excused from voting—1.

Alderman Carlin moved a reconsideration of the above vote.

Alderman Shea moved that the motion be laid on the table.

The President put the question whether the Board would agree with said motion.

Which was decided in the negative on a division called by Alderman Oakley, as follows :

AFFIRMATIVE—The President, Vice-President Fitzsimons, Aldermen R. J. Barry, Gregory, Gunther, Morris, Noonan, Shea, and Storm—9.

NEGATIVE—Aldermen Butler, Carlin, Clancy, Cowie, Divver, Dowd, Flynn, Gilligan, Goetz, Hammond, Oakley, Rapp, Rinckhoff, Sullivan, Tait, and Walker—16.

The President then put the question whether the Board would agree with the motion of Alderman Carlin to reconsider.

Which was decided in the affirmative on a division called by Alderman Carlin, as follows :

AFFIRMATIVE—Aldermen D. Barry, Butler, Carlin, Clancy, Cowie, Divver, Dowd, Flynn, Gilligan, Goetz, Hammond, Oakley, Rapp, Rinckhoff, Shea, Storm, Sullivan, Tait, and Walker—19.

NEGATIVE—The President, Vice-President Fitzsimons, Aldermen R. J. Barry, Gregory, Gunther, Morris, and Noonan—7.

Alderman Storm moved that the whole matter be laid on the table.

But he subsequently withdrew the motion.

Alderman Carlin then moved that the report of the Committee be accepted and the resolution be again adopted.

The President put the question whether the Board would agree with said motion.

Which was decided in the affirmative on a division called by Alderman Divver, as follows :

AFFIRMATIVE—Aldermen D. Barry, Butler, Carlin, Clancy, Cowie, Divver, Dowd, Flynn, Gilligan, Goetz, Hammond, Oakley, Rapp, Rinckhoff, Shea, Sullivan, Tait, and Walker—18.

NEGATIVE—The President, Vice-President Fitzsimons, Aldermen R. J. Barry, Gregory, Gunther, Morris, Noonan, and Storm—8.

Alderman Carlin moved a reconsideration of the above vote.

The President ruled the motion out of order as under the Rules no vote for a reconsideration can be taken more than once.

APPENDIX.

REPORT.

The Committee on Railroads, to whom was referred the accompanying application of the New York and Long Island Railroad Company, for permission to construct, maintain and operate a railroad entering the City of New York from Long Island, by two adjacent parallel tunnels beneath the bed of the East river, etc., respectfully

REPORT :

That several meetings of your Committee have been held, at which all persons interested in the proposed underground railroad were given an opportunity to be heard, but the attendance at such meetings other than the promoters of the enterprise did not warrant the opinion that the public generally, or the owners of property to be particularly affected by the proposed railroad, took the slightest interest in the proposition, yet it is one of the most stupendous schemes ever presented for the consideration of the local authorities of this city, and more directly and intimately affects the interests of both the people and government of the City of New York than any and all other schemes ever devised or carried into practical operation by private corporations or individuals to enrich themselves at the expense of the City of New York and its most vital interests.

It is proposed by the New York and Long Island Railroad Company to enter the City of New York, from Long Island, by two adjacent parallel tunnels beneath the bed of the East river, at or near Thirty-fifth street, and continuing in such tunnels beneath the streets and lands of the said city to a terminus at a point between Ninth and Tenth avenues and between Twenty-ninth and Thirtieth streets, where the said tunnels will reach the surface of the ground. It is also intended to construct two branch tunnels and railroads, one from Thirty-fourth street and Fourth avenue to the Grand Central Depot at Forty-second street, and a second from West Thirtieth street, at Ninth avenue to connect with what is now known as the Hudson River Tunnel, at or near the foot of Christopher street, North river; that the top lines of the tunnels will be at an average depth of 60 feet below the present surface of the lands in the city, the larger part being at a still greater depth, and that at all points of intersection of the routes of said tunnels with the different lines of elevated railways, at other suitable

points it is intended to construct and operate passenger elevators in vertical shafts, on property of the company to connect with the two lines of railroad for purposes of "traffic."

Your Committee would most cheerfully recommend that your Honorable Body should consent to the construction and operation of the proposed tunnels and railroads were the lines thereof reversed and the proposed facilities for "traffic" afforded to residents of this city alone, and would consent that such tunnels be constructed transversely beneath the waters of the Harlem instead of the East river. If a desire to improve facilities for "traffic" among our own residents was even in a remote degree contemplated by this scheme of the "New York" and Long Island Railroad Company, it might be prudent on the part of your Honorable Body to assent thereto, or if the intent was to add to the value of property located, or the volume of business transacted, in this city, the required consent should be given. Such, however, is not the case, nor is it even intended that such would be the result. Ask the owner of property or man in business in Fulton street or any other of the business streets in the lower parts of the city how much his business has been increased or the value of his property enhanced by the construction of the "New York" and Brooklyn Bridge and the operation of a railroad thereon. Beyond question he will reply that both have decreased in exact proportion to the increased "traffic" on the bridge. Authorize the construction and operation of the tunnels and railroads proposed by the "New York" and Long Island Railroad Company and you will inevitably produce a like result in regard to the property and business of the central portion of our city particularly and of our whole city generally. The "bridge" has half depopulated the lower wards of our city; the proposed tunnels and railroads will complete the depopulating process for the central and upper wards. As a result, business will diminish with the reduction or stoppage of the increase of our resident population; the value of land and buildings, will diminish in exact proportion, and your Committee believe that if the scheme ever reaches fruition the decadence of the City of New York will date from that time.

But, if possible, even a worse danger threatens our city in the event of the success of this scheme. It will, in all probability, destroy the commerce of the port of New York, and inflict a blow to the future progress of this city from which it will not, because it cannot, recover. It will be perceived that broad tunnels are to be constructed from West Thirtieth street and Ninth avenue to connect with "what is known as the Hudson River Tunnel, at or near the foot of Christopher street, North river." For what purpose, it may be asked, are these tunnels to

be constructed? The company will answer: To facilitate "traffic," leaving the unsophisticated and, in consequence, unsuspecting New Yorker to infer that passenger "traffic" is alone intended. But a merely superficial examination must be sufficient to convince the most skeptical that passenger "traffic" is a mere blind, a subterfuge, and intended to deceive both the people and government of this city. Your Committee believe they are warranted in saying that the proposed tunnel scheme of railroad is intended almost solely as a means of diverting commerce and trade from the port of New York to the eastern end and other portions of Long Island. It has come to their knowledge that a syndicate of capitalists have succeeded in obtaining possession of many thousands of acres of land from the remnants of the Indian tribes that once inhabited the eastern end of Long Island, now nearly extinct, on the shores of portions of which lands are many excellent harbors, with a sufficient depth of water to float vessels of the greatest tonnage; that for many years these capitalists have had in contemplation the establishment of lines of fast ocean steamers of large capacity, to be run in connection with the railroad of the Long Island Company, and in opposition to the ocean steamers plying from this port; that under present conditions it has proved to be impracticable, by reason of the inability to obtain sufficient "traffic" to warrant the inauguration of these opposition lines of steamers, and the undertaking was, for the present at least, seemingly abandoned. The unrivaled natural advantages vouchsafed to us in the location of this city, the formation and extent of its harbor, and the adaptability of both for the use of commerce, has prevented this contemplated diversion of its "traffic" to Montauk, Long Island, or even to any of its more accessible and pretentious rivals, and so long as this natural condition of things remain undisturbed and free from unnatural or artificial interference, New York was certain to continue to increase in wealth and population in the future, in geometrical progression as compared with the past. Unnatural or artificial means alone can stay such future progress. Even adverse legislation at the State capital, which has, in successive years, deprived it of a local government, bestowed its most valuable franchises upon individuals or corporations, sequestered its property, discriminated against its residents by exempting non-residents from taxation, and in various other ways sought to injure and dwarf its growth, has failed to do so, nor will such attempts ever succeed if the representatives of the people of this city, in the Common Council, are true to themselves and continue faithfully to watch over and protect, so far as they yet possess the power, as in the present instance, the interests and wishes of their constituents.

To grant the application of the "New York" and Long Island Railroad Company would, in the opinion of your Committee, be an artificial (it might be said also an unnatural) means of irreparable injury to the City of New York, and every business interest centered in it. Once authorize the connection of the tunnels of this company with the tunnels under the North river, at or near Christopher street, in this city, and the injury is done. Every pound of freight that will thereafter arrive on the west side of the Hudson river, opposite this city, from all portions of this continent, and even the countries from across the Pacific Ocean, destined for European countries, would then be passed through the tunnels of this company, beneath the feet of our citizens, and transported to and transhipped from the eastern end of Long Island. No goods, wares, or merchandise would be handled in this city, except those used for home consumption. Even the freight brought into this city by the New York Central and Hudson River Railroad, the New York City and Northern Railroad, and the New York, New Haven and Hartford Railroad could be carried in like manner to the same destination. Can any one doubt the effect of such a diversion of the "traffic" of this city? What will become of the business of our merchants, mechanics, stevedores, lightermen, boatmen, cartmen, laborers, and the thousands of others who earn livelihoods in handling the enormous quantity of freight in this port, both exported and imported, as all imported freight may, and doubtless will, in like manner, be landed at Montauk, Long Island, and transported to its destination in all parts of this continent and on the other side of the Pacific Ocean, without entering the port of New York.

Would not the realization of such a scheme as is proposed by the "New York" and Long Island Railroad Company, partly, at least, and to a very great extent, tend to depopulate the City of New York, as well as to destroy the business of the port? The classes of our population above mentioned would inevitably and of necessity follow in the wake of business, and transfer themselves from New York to Long Island, and it is safe to say that within five years after the inauguration of the scheme 100,000 of our residents would have transferred themselves from this city and become residents of the new city to be established by the syndicate who own all the land at the eastern end of Long Island. By creating the embryo city a port of entry, which is doubtless a part of the scheme, there will be brought into existence a rival for the "traffic" now transacted and naturally belonging to the City of New York, more dangerous and injurious than any now in existence, or that can be created by any other means.

Surely, the corporate authorities of this city will not consent to the construction and operation of an underground, or any other railroad, with such possibilities for evil, and as their consent is indispensable to its creation, your Committee are convinced that no apprehension need be felt by our citizens that such vital injury to their interests will ever come from their chosen representatives in the Common Council, whose first duty it is to foster and protect by every legal means the progress, wealth and prosperity of our city, and to promote the business interests of our citizens.

How any person interested in the future of New York City can look with patience upon the proposition of the "New York" and Long Island Railroad Company, passes the comprehension of your Committee. Innumerable attempts to divert the traffic of this city to other localities have, from time to time, been made in our State Legislature and elsewhere, and your Committee regrets to say in some cases successfully—by bridging the Hudson river and impairing the free navigation of the stream, as at Poughkeepsie, in the interest of private individuals and corporations, and to the advantage of our rivals in cities in the Eastern States—and always against the most earnest protests of our city authorities; but the application under consideration surpasses in cool effrontery any project of a like character ever called to their attention. Reflection is lost in amazement in contemplating the possibilities for evil to this city and its interests that are contained in the application of this Railroad Company and certain to befall the city, if the proposition is favorably considered by those whose first duty it is to avert just such threatened evils, if in their power. To ask the representatives of our people to inflict these evils upon their constituents by their votes in the Board of Aldermen is certainly an evidence that the intelligence of the members of this Board is sadly underrated by the petitioners, who doubtless imagined that the real objects and purposes in view were so skillfully disguised in the application that there was but very little, if any, danger of discovery. A refusal to grant the privilege asked will now, also, serve as a warning to deter other companies or individuals from attempting to practice like deceptions upon the corporate authorities of this city.

Your Committee beg leave to make a suggestion to the applicants for the construction of the proposed tunnels; the title of the Company should be changed from the "New York and Long Island Railroad Company" to the New Jersey and Long Island Railroad Company. The localities to be wholly benefited would then be expressed in the title of the company.

In conclusion, your Committee being of opinion that your Honorable Body is not desirous of bringing the sand hills of Long Island into any

closer or more active competition with the real estate located within our own corporate limits, more than half of which is still vacant and unimproved ; that you are not in favor of giving a syndicate of individuals—a “trust” in the most offensive sense—an opportunity to enter into active competition for the control of the “traffic” of the port of New York and the business of our own citizens, nor desirous of taking any action which will tend, in the remotest degree, to interfere with the future progress and prosperity of the City of New York, respectfully offer for your adoption the following resolution :

Resolved, That the accompanying application of the “New York” and Long Island Railroad Company, for permission to control, maintain and operate a railroad entering the City of New York from Long Island by two adjacent parallel tunnels beneath the bed of the East river, at or near Thirty-fifth street, and beneath the surface of the lands and streets in this city, etc., etc., be and is hereby denied : that your Committee be discharged from the further consideration of the subject, and that this report and accompanying papers be placed on file.

JAMES J. MOONEY,	} Committee on Railroads.
WILLIAM TAIT,	
JOSEPH MURRAY,	
WILLIAM P. RINCKHOFF,	

A report of the minority of the Committee, signed by Aldermen Fitzsimons, Conkling, and Storm, was presented in favor of granting the application of the petitioners.

In connection therewith the President presented a remonstrance of B. F. Watson and Charles P. Latting, President and Secretary of a meeting of property owners on Thirty-eighth street, against granting the application of the New York and Long Island Railroad Company.

Alderman Fitzsimons moved that the whole subject be laid over.

The President put the question whether the Board would agree with the motion of Alderman Fitzsimons.

Which was decided in the negative, on a division, as follows :

Affirmative—The President, Aldermen Conkling, Cowie, Fitzsimons, Hubbell, McMurray, and Storm—7.

Negative—Vice-President Dowling, Aldermen Barry, Benjamin, Butler, Clancy, Divver, Holland, Martin, Mooney, Joseph Murray, Oakley, Rinckhoff, Sullivan, Tait, Von Minden, and Walker—16.

The President then put the question whether the Board would agree with the motion of Alderman Fitzsimons to substitute the report of the minority for that of the majority.

Which was decided in the negative, on a division, as follows :

Affirmative—Aldermen Conkling, Fitzsimons, Hubbell, and Storm—4.

Negative—The President, Vice-President Dowling, Aldermen Barry, Benjamin, Butler, Clancy, Cowie, Divver, Holland, McMurray, Martin, Mooney, Joseph Murray, Oakley, Rinckhoff, Sullivan, Tait, Von Minden, and Walker—19.

Alderman Storm moved that the whole matter be laid on the table.

The President put the question whether the Board would agree with said motion.

Which was decided in the negative, on a division called by Alderman Mooney, as follows :

Affirmative—The President, Aldermen Conkling, Cowie, Fitzsimons, Hubbell, and Storm—6.

Negative—Vice-President Dowling, Aldermen Barry, Benjamin, Butler, Clancy, Divver, Holland, McMurray, Martin, Mooney, Joseph Murray, Oakley, Rinckhoff, Sullivan, Tait, Von Minden, and Walker—17.

The President then put the question whether the Board would agree to accept the report and adopt the resolution recommended by the majority of the Committee.

Which was decided in the affirmative on a division, as follows :

Affirmative—The President, Vice-President Dowling, Aldermen Barry, Benjamin, Butler, Clancy, Cowie, Divver, Holland, McMurray, Martin, Mooney, Joseph Murray, Oakley, Rinckhoff, Sullivan, Tait, Von Minden, and Walker—19.

Negative—Aldermen Conkling, Fitzsimons, Hubbell, and Storm—4.

RAPID TRANSIT UP THE ISLAND

INSTEAD OF

RAPID TRANSIT OFF THE ISLAND.

WATSON.

Brief of B. F. WATSON, of Counsel for the Thirty-eighth Street Property Owners, opposing the *Second* Application to the Board of Aldermen of the City of New York, by the New York and Long Island Railroad Company, for Leave to Excavate a Tunnel across Manhattan Island, under Thirty-eighth Street, and to operate a railroad therein.

Committee of Thirty-eighth Street Property Owners:

B. F. WATSON, Chairman,
 C. P. LATTING, Secretary,
 CHARLES T. BARNEY, Treasurer,
 PETER C. BAKER,
 SAMUEL P. AVERY,
 WM. L. ANDREWS,
 JAMES M. CONSTABLE,
 B. F. DUNNING,
 LOUIS F. KIEFER, M. D.,
 CHARLES SCRIBNER,
 THOMAS BOESE,
 WILLIAM R. GRACE,
 HENRY STEERS,
 RANSEL M. STREETER, M. D.,
 JACOB WENDELL,

Executive Committee:

WATSON, BAKER, LATTING, BARNEY, AVERY.

IN THE MATTER

of

The Second Application to the BOARD OF ALDERMEN OF THE CITY OF NEW YORK by the NEW YORK AND LONG ISLAND RAILROAD COMPANY for leave to build a tunnel under Thirty-eighth street and to construct and operate a railroad therein, with branches, etc.

B. F. Watson's Brief
Opposing the Tunnel.

**The New York and Long Island Railroad Company.
—What is it ?**

WHO ARE THE REAL PARTIES AND WHAT THE REAL PURPOSE OF
THIS SCHEME ?

In forecasting the Railroad Company's case, which we shall probably be called upon to meet, is it not wise to recall its purposes and pretenses, heretofore, and, if possible, discover the real parties we have to deal with, and their real intentions ?

FIRST REPRESENTATION.

The Certificate of Incorporation was filed in July, 1887, and before any opposition had occurred to make it advisable to conceal the real objects to be accomplished, it said that the purposes of the incorporation were the "constructing a railroad for public use in the conveyance of persons and property * * * commencing in Long Island City * * * at a point at or near the line of Borden avenue, and distant about one mile from East river ; thence, partly under ground and partly in a cutting to the East river ; thence under the East river by a tunnel, and under streets and lands in the City of New York * * * to a connection with the New York Central Railroad * * * at the corner, or at a point near the Ninth avenue and Thirtieth street, with a branch on the north to a connection with the N. Y. C. and H. R. R. at or near the Grand Central Depot, * * * and a branch southerly to

connect with what is now known as the Hudson River Tunnel. * * * The length of said road, as nearly as may be estimated, is five miles." * * * "The amount of capital stock * * * shall be one hundred thousand dollars."

The Certificate named as incorporators Walter S. E. Gurnee, Thomas Rutter, Augustus C. Gurnee, Roy Stone, Malcolm W. Niven, George R. Shelden, Frank K. Hain, Oliver W. Barnes, Everett P. Wheeler, Henry S. White, all of New York City; Henry S. Hinderkoper, of Philadelphia, E. Platt Stratton, of College Point, L. I., and Robert Townsend, Oyster Bay, L. I.

SECOND REPRESENTATION.

Opposition arose because the Aldermen thought they discovered in the application a scheme of the great trunk line railroads to force a transit under New York City for freight designed for Europe and other countries, from our great West.

Subsequently, and on or about March 17, 1888, for the purpose of convincing the Aldermen that this was not a freight road, but a veritable poor man's New York City passenger road, or for some other purpose, inspired editorials appeared in *The Engineering News*, in which a comparison was instituted between the homes of the laboring population in New York, London, Chicago, Philadelphia and other cities, much to the apparent disadvantage of New York. In them this tunnel road was held up to be the remedy, by causing the laboring population to be daily transported thereon from their homes in Long Island to their work in New York City and back again to their homes; thereby it was claimed that "the horribly overcrowded tenement population will gradually melt away and be transferred to cheaper and better homes."

THIRD REPRESENTATION.

Subsequently there was occasion for another change of direction to avoid a new obstacle. The Aldermen had refused their sanction. The provision of chapter 582 of the Laws of 1880, by which such sanction could be dispensed with, had by the Court of Appeals been declared unconstitutional, and the Legislature had been applied to for an amendment to that Act, making it constitutional, and the Legislature declined. Then the Railroad Company petitioned the General Term of the Supreme Court to enforce this unconstitutional Act by appointing Commissioners to decide in the place of the Aldermen whether or not public necessity demanded this tunnel.

As the Court of Appeals had decided in a case where a railroad under the streets of a city which happened not to extend beyond the

city limits "was an underground street railroad," and required the consent of the Aldermen, it became necessary for this Railroad Company to show that it was not a street railroad, so the petition to the Court contained the following language: "That petitioners' railroad is not a street railroad, will not depend on local traffic for its revenues, and will not come in competition with any street or purely local railroad." No reference was made in this last petition to a connection with the Hudson River Tunnel. Instead thereof the description was changed to read: "To a terminus therein (N. Y. City) near the line of the Eleventh avenue and between Thirty-fourth and Fortieth streets, where it will connect with the railroad of the N. Y. C. & H. R. R. R. Company, with such branches, turnouts, sidings and switches as may be necessary for the safe, speedy and efficient transportation of persons and property into and out of the City of New York.

FOURTH REPRESENTATION.

The General Term having refused to hear that petition until next October, the pending petition to the Aldermen was presented. It contains the following language: "And having subsequently so modified its routes and plans as only to require your consent to the construction of its said tunnel and railroad beneath the central portion of Thirty-eighth street * * * from the East River to the westerly line of Tenth avenue, with a branch from the intersection of Fourth avenue and Thirty-eighth street, beneath Fourth avenue to the Grand Central Station, * * * said petitioner, as a common carrier of persons and property, now respectfully requests your consent to the construction and operation of its said tunnel and a double-track railroad therein, in and along the location named for the transportation of persons and property into and out of the City of New York."

CONCEALMENT OF PURPOSES.

What are the real purposes of this corporation?

After these several changes in the face of difficulties to be avoided, involving the most glaring inconsistencies, can the Railroad Company complain if charged with concealing its real purposes?

It must be borne in mind that this change of location by law can continue until construction actually begins; therefore, after Aldermanic consent obtained, it may fairly be suspected that connection with some tunnel or railroad will be resumed, rendering it convenient to carry out the purpose of transporting the produce of the West under New York City.

It is not necessary to deal with this Corporation as though its real purposes are concealed, and that they are liable to turn out either those

of a Street Railroad for the transportation of New York City passengers, or a freight railroad between the West and Montauk Point, or both ?

DECEPTIVE STATEMENT OF DEPTH, DIMENSIONS AND TRANSPORTATION FACILITIES.

The dimensions of the tunnel, and the character of the transportation facilities proposed are briefly as follows, as indicated by a publication issued by this Railroad Company a few days before April 7, 1888 :

In Thirty-eighth street (30 feet wide between curbs) the proposed " Tunnel will be 26 feet wide and 22 feet high, and its tracks will be at a distance below the surface of

107 feet at 1st Ave.	143 feet at 5th Ave.
109 " 2d "	99 " 6th "
111 " 3d "	78 " 7th "
133 " Lex. "	51 " 8th "
136 " 4th "	46 " 9th "
141 " Madison Ave.	29 " 10th " "

The fact is the top of this tunnel will be seven feet under the surface of Tenth avenue, 24 feet at Ninth avenue, 29 feet at Eighth avenue, 56 feet at Seventh avenue, 77 feet at Sixth avenue, 89 feet at Third avenue, 97 feet at Second avenue, 95 feet at First avenue.

The circular continues : " It is intended to operate the Tunnel Railway by Electric Motors, and will be lighted by Electricity, and ventilated by the latest improved systems. As it will be excavated through solid rock * * * it will naturally draw the water from the rocks above it, thereby effecting valuable sanitary results."

The transportation of heavy freight trains up the steep grades proposed is quite as likely to be by Fairies or Swans as by Electric Motors.

To be relied upon, electricity must be supplemented by gas for lighting.

What are the proposed means of ventilation ? A second tunnel had to be built for the ventilation of the main tunnel under the Mersey. Is it proposed to adopt that " latest improved system " ?

There is danger that this tunnel will not only " draw the water from the rocks," but also from the broken sewers, as in the Mersey tunnel.

How has it been ascertained that there exists " solid rock " throughout the route ? It cost the Mersey tunnel about \$600,000 to make the preliminary test and even then it proved deceptive in part.

RECKLESS MISSTATEMENTS.

It is further claimed by this circular that the advantages of this scheme are "attainable without injury, but with special benefits to private property along the line. No damage or annoyance will be caused by the construction of the railroad to the residents on the line, and no opening or occupation of the streets required, except possibly near Tenth avenue, where compensation can be made. When the road is in operation the residents will have no knowledge of the passing of trains, and they will have the full benefit of a double system of rapid transit without any of its disadvantages. Union Stations with elevators will be located at the Elevated Railroads in corner buildings, and not over the street, with suitable platforms along the elevated tracks connected with the stations."

How is it proposed to afford the residents of Thirty-eighth street "full benefit of a double system of rapid transit" with "no openings or occupation of the street" for its "platforms"?

It is reckless to say that "no damage" will be caused. Common sense and all experience contradict the assertion. Blasting, by ignorant Italian laborers, with dynamite, tonite, or giant powder, 7 feet, 24 feet, 29 feet, 56 feet or any other number of feet under the street surface, and very much less distance under sewer, water, gas, steam pipes and electric subways, and alongside the cellars of the private residences, and the foundations of the churches in this narrow street, will cause not only annoyance but immense damage, and prove a constant source of danger during the process of construction and a perpetual annoyance, in the operation of the railroad, from oscillation, rumbling and foul air. The Mersey tunnel damaged the property along the line, and in a single instance damaged a sewer to the extent of \$30,000. Will it be no annoyance to have the foul air of this tunnel sucked up and distributed through the neighborhood because it is vomited forth through "corner buildings"?

Pray what are the "benefits to private property along the line" to be anticipated? Shall we estimate as such a benefit a dynamite store-house under the foundation of our dwellings; the location in a narrow street of "two parallel adjacent tunnels" with the "necessary slidings, turnouts and switches" probably in our cellars and possibly with a ventilating shaft through our parlors and bedrooms?

A SINGULAR INDUCEMENT.

Another circular issued about the same time, and signed by "Roy Stone, Pres't," conveys the information that the laboring people of

the city are to be accompanied through this tunnel to their cheap homes by the "Garbage and Filth" of the city.

It says, "one of the Aldermen, advocating the tunnel as a means of moving and utilizing the city's refuse, quaintly remarks, 'the ocean has no stomach for garbage and filth—it rejects it with loathing * * *—earth is your only purifier, and the hungry sands of Long Island will swallow the vilest refuse.'"

INCAUTIOUS INTIMATIONS.

THE SUSPICIONS OF THE BOARD OF ALDERMEN JUSTIFIED.

Again: What purposes do the following suggestive extract from the last-named circular indicate? "In commerce the cost of storing and handling goods here is already driving business away. A single transportation line carries five millions of tons of merchandise past New York annually * * *. Other indications are not wanting that the city is losing its grip on the business of the country * * *. The improvement we propose gives hope of a new era of prosperity—it opens up twenty square miles of beautiful territory lying nearer to the City Hall than Harlem river * * * it gives quick transit to the sea, and it paves the way for the introduction of all the railroads to the New York below ground."

THE UPPER WARDS TO BE ABANDONED.

Another circular, issued from the same source, and containing extracts from the editorial of March 17, 1888, in *The Engineering News*, announces: "We need hardly say that the natural mode of growth of large cities, when not interfered with by topographical causes, is by a circular spreading of population in all directions."

Then, notwithstanding the veritable fact that Manhattan Island is not "circular," because the Creator or "topographical causes" made it elongated, the writer proceeds to demonstrate how this mistake in creation can be remedied through the means of this tunnel; the process consisting in cutting off and casting to waste all of the upper part of the City of New York, and in piecing up a "circular" city out of the lands of Long Island, reached by, if not owned by, this railroad company. We are assured that this transformation of New York City becomes desirable, because "the whole eastern third of the city, beyond the Bowery and Third avenue, a few cases excepted, is one vast and squalid tenement region, crowded to suffocation with human beings, and a breathing place of wretchedness and crime."

This cannot be claimed as a very flattering, as it certainly is not a truthful, description of a major part of the constituents of the Aldermen to whom this Railroad Company is petitioning for favors.

A TEST.

If this is not intended as a freight road, but is simply a passenger road designed to improve the east side by abolishing its "wretchedness and crime," what is the necessity of building this tunnel entirely across the city under Thirty-eighth street? Would not a tunnel from Long Island City under the East river, branching to Mott street and Mackerelville answer this purpose better?

THE UNANSWERABLE REPLY OF THE ALDERMEN.

To this kind of argument the majority of the Railroad Committee, in their report hereinbefore referred to, in rejecting this tunnel project as subversive of the interests of the City of New York, and particularly of the laboring people, whose interests they are the peculiar representatives and guardians of, replied as follows:

"Your Committee would most cheerfully recommend that your Honorable Body should consent to the construction and operation of the proposed tunnels and railroads were the lines thereof reversed and the proposed facilities for 'traffic' afforded to residents of this city alone, and would consent that such tunnels be constructed transversely beneath the waters of the Harlem instead of the East river. If a desire to improve facilities for 'traffic' among our own residents was, even in a remote degree, contemplated by this scheme of the 'New York' and Long Island Railroad Company, it might be prudent upon the part of your Honorable Body to assent thereto, or if the intent was to add to the value of property located, or the volume of the business transacted in this city, the required consent should be given. Such, however, is not the case, nor is it even intended that such should be the result. Ask the owner of property, or man in business in Fulton street, or any other of the business streets in the lower part of the city, how much his business has been increased, or the value of his property enhanced by the construction of the 'New York' and Brooklyn Bridge. * * * The Bridge has half depopulated the lower wards of our city; the proposed tunnels and railroads will complete the depopulating process for the central and upper wards. * * * But a merely superficial examination must be sufficient to convince the most skeptical that passenger 'traffic is a mere blind, a subterfuge, and intended to deceive both the people and government of this city.' Your Committee believe they are warranted in saying that the proposed tunnel scheme

of railroad is intended almost solely as a means for diverting commerce from the port of New York to the eastern end and other portions of Long Island. It has come to their knowledge that a syndicate of capitalists have succeeded in obtaining possession of many thousand of acres of land from remnants of Indian tribes that once inhabited the eastern end of Long Island, now nearly extinct. On the shores of portions of which lands are many excellent harbors, with a sufficient depth of water to float vessels of the greatest tonnage; that for many years these capitalists have had in contemplation the establishment of lines of fast ocean steamers of large capacity to be run in connection with the Railroad of the Long Island Company, and in opposition to the ocean steamers plying from this port. * * * Innumerable attempts to divert the 'traffic' of this city to other localities have from time to time been made, * * * but the application under consideration surpasses in cool effrontery any project of a like character ever called to our attention. * * * In conclusion, your committee, being of the opinion that your Honorable Body is not desirous of bringing the sand hills of Long Island into any closer or more active competition with the real estate located within our corporate limits, more than half of which is still vacant and unimproved; * * * that you are not in favor of giving a syndicate of individuals—a 'trust' in the most offensive sense—an opportunity to enter into active competition for the control of the 'traffic' of the port of New York, * * * respectfully offer the * * * resolution * * * that the application * * * be denied."

This majority report was adopted 19 to 4.

MORE MISSTATEMENTS.

The petition of this railroad company to the General Term ^{above} referred to uses the following language: "That * * * it is necessary to build said road wholly underground from the easterly boundary of the City of New York to the westerly line of Tenth avenue, * * * and to run the same in, by, and through a tunnel beneath Thirty-eighth street; * * * and that your petitioner intends to excavate and construct its said tunnel, and build, maintain and operate its said railroad in, by and through the same, without making or using for any purpose whatever any opening or aperture in any street, road, avenue or public place in said city; that its said railroad will pass at an average depth of one hundred feet below the present surface of the ground, and of the streets in said city, and at no place less than forty feet thereunder; and that its construction and operation will not interfere with or require the removal of any water, gas or

sewer-pipes, or any other private or public way or conduit beneath or adjacent to such surface ; that its said tunnel and railroad will also be so built and constructed through the solid rock formation underlying said city, and at such a distance vertically and horizontally from the present house and foundation lines on said Thirty-eighth street, as to preclude the possibility of any injury to the firmness and safety to the ground above such tunnel, and in the neighborhood thereof, for surface travel and traffic ; and also any injury to any building or erection, whatever the weight, character or dimensions of the same may be, and whether directly over such tunnel, or upon or in the neighborhood of the building lines bounding on said street ; that all opening shafts and passage-ways for the purposes of constructing, maintaining and operation of such railroad and tunnel are to be made only upon the property of your petitioners."

"SWIFT" WITNESSES.

The Railroad Company, among its publications, presents what it terms a "letter from a special expert of the aqueduct commission," signed by "C. L. Klainbach, Aqueduct Inspector," in which he says : "There is not the slightest risk of damaging houses by blasting under them, if only very ordinary precautions are taken. I would be very glad to insure the property for one quarter of one per cent. against such damage if the roof of the tunnel came within ten feet of the foundations. * * * There has been an enormous amount of powder wasted on the aqueduct, and much of the work has been done by inexperienced men, and * * * there has been no damage on the surface."

Also presents the letter to "General Roy Stone," of "George P. Shebbard, Rector of Holy Trinity Church, Jersey Heights," in which he says : "The chancel of our church is, I believe, built directly over the Erie Railway tunnel, and we are not in the slightest degree disturbed by the passage of trains. * * * N.B.—This church is 80 feet above the tracks."

The answer to this so-called testimony introduced without cross-examination, is briefly—assuming it for argument sake to be true—who is to insure "ordinary precautions" from Italian laborers ? Who guarantees against the possibility of powder being "wasted" under our dwellings by "inexperienced men ?" The construction of the Mersey tunnel under the direction of the most eminent English engineers caused widespread havoc, notwithstanding the excavations were made through solid red sandstone and with a boring machine, dynamite and tonite having been discarded.

In answer to the belief of the reverend witness, it is charitable to suppose that he was more expert in those beliefs which tend in an opposite direction to these wretched subterranean passages. It is quite certain that before making the tunnel, the Erie Railway purchased every foot of land under which it was located.

FIFTH REPRESENTATION--THE COMPANY'S BRIEF.

After proposing to the Aldermen and to the General Term to make some compensation to the city for the privileges which it sought, by paying a percentage of its receipts, this Railroad Company, under its present renewed petition, at the first hearing on July 27, before the Committee on Bridges and Tunnels, presented the printed Brief of A. D. Palmer, Esq., its counsel, arguing its right to make the tunnel and railroad without any compensation to the city, substantially as follows :

"The Company has been duly incorporated, * * * with the design of building, maintaining and operating a railroad, as a common carrier, for the transportation of persons and property between the island of Long Island and the City of New York, having one terminus at or near the northwest corner of Ninth avenue and Thirtieth street in said city, and leading thence by a double track to Long Island, with elevators to connect with the surface railroads and streets at convenient points on the route in this city." * * * "The character of the route to be traversed requires, and the existing law permits, the construction of such a railroad within two parallel adjacent tunnels upon the routes and according to the profiles heretofore brought to your notice in a chart * * * submitted to you * * * on or about the fifteenth day of January last, to which chart and petition filed therewith reference is respectfully made.

That brief then goes on to say that Long Island is about 120 miles long and has a population of 900,000 ; but it forgets to say that the far greater portion of such population resides in Brooklyn, who rarely, if ever, would use this tunnel in going to and from their business at the lower end of Manhattan Island, on account of its distance therefrom. The Brief reasons that because the improved railroad management on Long Island for the past few years has induced the building of summer residences on Long Island instead of on the shore line of New Jersey, that, therefore, it is the duty of the City of New York to submit to the sacrifices entailed upon it by this tunnel, without any compensation derived from its revenues, as New York City, by means of the tunnel, would divert patronage from New Jersey and give it to Long Island ; and from these premises the following not very obvious

conclusion is attempted to be drawn : "From whatever point of view the projects of this company are regarded, it will appear that their realization must result in immediate and lasting benefit to the people of this city." These immediate and lasting benefits are reasoned out from the proposition assumed to have been settled by experience, namely, that "increased facilities of rapid, safe and economical travel from the suburbs of a city to its centre contribute to * * * its prosperity."

It may, in passing, be suggested that the correctness of this proposition, with certain limitations, might be admitted ; but it is a very different admission from that asked of us—that it would be more to the advantage of New York City to give superior advantages for communication with Long Island than to its own uninhabited lands.

One of the limitations above referred to is, that the same advantages do not accrue to a city or town through which a railroad passes as to one in which it terminates. The same suggestion is applicable to the argument of the Brief that this railroad company ought not to be made to pay a percentage of its profits to the city, because its purposes and designs are similar "to those of the New York and Harlem, New York and New Haven, New York and Northern and Hudson River railroads ;" for all of these railroads bring their traffic to New York City and stop there, while the design of this tunnel is—if the Board of Aldermen were correct in their conclusion, or if every indication developed or concealed by this tunnel railroad is brought to the test of common sense—to pass its traffic under New York City, and not to stop there, but to stop at some other point which, as the terminus, will reap most of the advantages accruing from the enterprise.

A FLimsY ASSUMPTION THAT THIS IS NOT A STREET RAILWAY.

The Brief proceeds : "It is to be borne in mind that this company is not a street, surface or arcade railway company ; that it does not ask the use of any part of any street, avenue or public place in the city as a part of its route, distinctly disclaiming any such demand."
* * *

Courts judge the character of a scheme from its purposes, inevitable tendencies, apparent characteristics, rather than by its language "distinctly disclaiming," for an evident purpose, that which it has by its nature, acts and even words, distinctly avowed. The Court of Appeals has decided that just such a railroad as this proposes to be, is "an underground street railroad." In that case the railroad began and ended in the same city. This railroad, while it has all the characteristics of that one, does not begin and end in the same city ; but does that

alter the character of that portion of it which lies within the city ? Would it not be considered an absurdity to say that the Madison Avenue railroad was a street railroad until it crossed the city limits, and that such crossing transformed that part of it within the city limits to something else than a street railroad ? There is nothing in this pretense. If there is, why does this company refuse to suspend this application until that precise question is settled by the General Term where it is still pending ?

The Brief continues : " That it proposes to pay in cash for all the property required for its use in the city, and that it contemplates no competition for local travel with any existing surface, underground or elevated railway, but that it proposes only to construct, maintain and operate its lines, as a common carrier of persons and property, into and out of the City of New York." * * * " We ask from you no contributions in money towards the accomplishment of our designs, and as we contemplate the expenditure of a large sum of money at your doors, in the prosecution of a great, difficult and extremely hazardous enterprise, the ultimate cost of which no man can fortell, we should not be required to pay any other sum of money for the right to enter your city than the annual tax assessed and levied upon our property within its boundaries."

Is there not a necessity for another Brief to explain where the money is to come from for the payment of all damages inflicted on eighteen or twenty millions of property in Thirty-eighth street alone, and for all property taken, and " for the expenditure of a large sum, * * in the prosecution of a great, difficult and extremely hazardous enterprise, the ultimate cost of which no man can fortell ! " Certainly it cannot come from the capital of \$100,000 ! Certainly not from any sane capitalist, if it be true as pretended that the revenues of this tunnel are alone coming from the fares and freight induced to descend from 100 to 150 feet into the bowels of the earth in order to secure transportation only from New York City to Long Island and nowhere else.

It seems impossible to contemplate the shifting and shallow statements of this railroad company as to its own routes purposes and promises, changing position and hue whenever a new obstacle renders necessary a new turn of the kaleidoscope, without exclaiming—New York and Long Island Railroad Company, thy real name is inconsistency ! In the confusion caused by this multiplicity of contradictory words as to the real composition and intentions of this Railroad Company, it is wise to remember that these promises are written in the sand and will not endure. When once its purpose is accomplished, and aldermanic permission has been obtained, then this corporation

will cast aside the mask and will do and claim everything allowed to it by law— and probably considerably more.

“The Mersey Railway.”

COMPLETE FAILURE OF A TUNNEL IN MANY RESPECTS SIMILAR TO THE PROPOSED EAST RIVER TUNNEL, AND IN MOST RESPECTS AFFORDING SUPERIOR PROSPECTS OF SUCCESS TO ANY WHICH CAN BE CLAIMED FOR THE ONE UNDER CONSIDERATION.

It is safer to be guided by experience than by theories, when the inquiry relates to the possibility of profitable progress through the hidden obstacles down deep in the earth. The best built tunnel under water now in existence, called for by necessities most imperious, and by inducements most promising, backed by wealth to any required amount, and guided by engineering skill unsurpassed, after 20 years of struggle for inception and existence and notwithstanding half a dozen or more enabling Acts of Parliament, and more than ten millions of dollars of expenditures, has in two years become bankrupt, and demonstrated that passengers prefer ferries to tunnels for crossing rivers.

COMPARE THE TWO SITUATIONS.

Assuming the present pretense to be the true purpose, that is, to “carry and fetch” between Long Island and New York City, and not to transfer from the West, under New York City, to Montauk Point, our proposed tunnel railway must depend upon passengers to and from New York City to Long Island exclusive of Brooklyn, for Brooklyn is south of Manhattan Island and will not be accommodated by a Thirty-eighth street tunnel, and Long Island has no mineral or other products, worth mentioning, which this city needs to the extent that its transportation will pay a fair investment percentage upon a construction account of more than ten millions of dollars, and a working expenditure of 70 per cent. of gross income. In such case the demand for and prospects of the tunnel under the Mersey were immensely superior to those of the East River Tunnel.

Liverpool, the natural metropolis of the great manufacturing districts of Lancashire and York and the agricultural districts of Cheshire, is situated on the northwesterly side of the Mersey River, almost exactly corresponding in tunneling width, so to speak, to our East river, upon the opposite bank of which is situated its suburb Birkenhead, containing a part of the renowned Liverpool Dock system, the two places being separated by a river traversed only by about half a dozen ferries, which transport about 26,000,000 of passengers a year. Birkenhead is

located upon a tongue of land belonging to Cheshire, about 8 or 9 miles wide, and bounded upon its northwesterly side by the Mersey, and on the southeasterly side by the river Dee, which separates it from Wales. Wales is that portion of England, consisting of about 12 counties, lying on the western coast, north and east of the Severn river, and south and east of the Mersey, its coast line being on the Irish sea. Wales is mountainous and abounds in minerals, and Liverpool is its natural port. Liverpool wanted the commerce of Wales more than Birkenhead wanted Liverpool to have that which she thought naturally belonged to her; just as Long Island wants a tunnel more than New York City wants Long Island to have a tunnel, because Long Island covets that which New York City has, and New York City does not need anything that Long Island has. The Mersey tunnel was a Liverpool affair, and Birkenhead refused to see its tremendous blessings unless she was paid for injury to her ferry franchises and in addition had good security for the damage done to her sewers, streets and citizens. The great railway companies, in order to get from Liverpool to Birkenhead and to Wales and back, were forced to make a circuit of 30 miles and cross the Mersey at Runcorn by a most expensive bridge. The Mersey tunnel under the river was about a mile long from shaft to shaft, which is about the length of our proposed one. The Mersey railway proper was about three miles long, including that portion under the river, while ours is proposed to be about five miles. The less than three miles of the Mersey railway cost over ten millions of dollars, notwithstanding it bored its way through the most desirable material, new red sand stone; and its officials bragged that it cost only about two millions of dollars per mile, which they claimed was only about one-half of the cost of similar tunnels. What will our five miles of tunnel cost at this rate? Let the abandoned Hudson River Tunnel answer! The Mersey consisted of three or more tunnels—a main tunnel, another tunnel to ventilate the main tunnel through, another tunnel to drain the main tunnel through. It was found necessary to change the air in the Mersey tunnel every seven minutes by the operation of four immense fans, sending the sucking currents through the auxiliary tunnel. What would become of passengers in that tunnel in case of an accident to train and fans? Would it not be difficult to demonstrate anything left of, 30 feet wide, Thirty-eighth street after boring three tunnels through it of the required dimensions? The proof of the substantial correctness of these statements is given below, mostly in the language of the officials and friends of the Mersey tunnel. Read it. It is lengthy but profitable—it affords us facts in the place of theory.

FAVORABLE STATEMENT OF "THE MERSEY" OFFICIALS—INTERESTING AS INDICATING THE EXPERIENCE OUR TUNNEL MUST ENCOUNTER.

A statement by the officers and promoters of the Mersey Railroad, entitled "Private, not to appear in print before Thursday, January 1, (1877)," gives the most favorable history of the scheme from its inception it is susceptible of, by which it appears that previous to the year 1864, various projects for crossing the Mersey" * * * "had been suggested, but nothing of a practical kind seems to have been done until the autumn of that year, when a bill was deposited for the Birkenhead and Liverpool Railway." This was defeated.

CONSOLIDATION—TEMPORARY ABANDONMENT.

The next year, 1865, bills were deposited for three schemes for crossing the Mersey, one was for this tunnel—another for a bridge, and the third for a pneumatic tunnel. The pneumatic tunnel scheme only was adopted, but languished, while various other schemes were started and abandoned in 1866, 1867 and 1868. On December 22, 1869, a meeting was held and all other than the pneumatic scheme were abandoned, and in 1870 and 1871 that scheme was turned into a railway tunnel project, and it was incorporated under its present name, the "Mersey Railway Company." After sinking a shaft 90 feet deep on the Birkenhead side, which disclosed sound rock, the work was abandoned.

SIX YEARS FOR A PARTIAL COMPLETION.

Finally, in 1879, a contract was effected with Major Isaacs, backed by a powerful body of capitalists. "The work was at once taken in hand in earnest, the ground for the shafts on either side of the river being broken, in December, 1879, just six years ago, * * * and from that date to the present * * * work on the railway has never stood still for a single day save Sundays." * * *

PRELIMINARY EXPERIMENTS COST \$600,000.00.

"So soon as the shafts were sunk the first object of the engineer * * * was to push forward the trial heading on either side towards the river, so as to test and prove the nature of the strata to be worked in as soon as practicable." * * * "The drift ways towards the river were carried forward deep down in the rock, and gradually rose towards the centre of the river so as to drain off the water from the workings to the pump. Powerful pumping engines were put down on either side of the river." * * * "By June, 1881, Major Isaac and his friends, after an outlay of some £125,000, felt themselves justified

by the progress made, and the knowledge and experience of the strata under the river which had by that time been gained, in applying to the public for capital." (This was successfully made). "The works have been driven day and night, with three shifts of men working for eight hours each." * * *

NOTWITHSTANDING THE "SOLID" ROCK IT REQUIRED AN EXTRA SHAFT TO KEEP THE TUNNEL FROM BEING DROWNED.

In September, 1881, it was found necessary to have a second shaft on either side of the river, so that it might be exclusively devoted to pumping purposes, while the spoil from the workings * * * should be brought to the surface by the new shaft." * * "The formation of the second shaft was followed by the laying down of an additional pumping set."

MAIN TUNNEL COMMENCED BEFORE PRELIMINARY TESTS COMPLETED.

"The progress already achieved with the trial headings was considered to warrant the Board in announcing their intention to proceed at once with the main channel without waiting for the complete piercing of the rock from side to side. Whilst the work was actually proceeding in the drift way, the excavation for the actual tunnel was accordingly pushed on, but owing to the gradient following the river, it was necessary to get rid of any water that accumulated at the faces. To this end bore holes were put down at stated intervals into the drainage headings, and as each advanced hole was bored the preceding was plugged up."

PARLIAMENTARY AID SOLICITED—DAMAGES BEGIN TO APPEAR.

In autumn, 1881, it was found necessary to apply to Parliament for extended powers; the question of damages to the Ferry rights of the Birkenhead Corporation came to the surface. It resulted in a clause compelling the Mersey Railway Company to pay £50,000 within six years as compensation for the damage. "This transaction evoked strong expressions of opinions. * * * On the one hand, it was strongly urged that the town of Birkenhead, which was to benefit so much and in so many ways by the construction of the tunnel, should have gladly abandoned all right they might have to compensation."

CURIOUS "THROBBING" FROM DYNAMITE FIRING.

In October, 1882, Mayor Isaac gave a lunch to the Lord Mayor of London in the tunnel works. "The proceedings * * * were enlivened by the occasional accompaniment of shot firing with dyna-

mite at the rock faces when the work was progressing, the vibration causing a curious throbbing along the smooth brick arching of the tunnel."

BORING—BREAKING—BRICKING—SAND—THE TUNNEL AND DRIFT
WAY MEET JANUARY 17, 1884.

"In the spring of 1883 the boring machine of Colonel Beaumont, R. E., was added, and it greatly accelerated the driving of the head-way and the main tunnel. The cutting instruments are disks of chilled cast iron, set in strong iron bar, which is made to revolve by means of compressed air, and thus scoops out a tunnel seven feet in diameter. By progressive improvements in the mechanism, to suit the special quality of the rock, Colonel Beaumont obtained a high degree of speed of over fifty linear yards per week, which left far behind the old method of blasting by dynamite or tonite. Mr. Wardwell's apparatus, in breaking up the rock at different places to the size of the main tunnel, and bricking in short lengths, followed close upon the tunnel driver by Colonel Beaumont; and all through 1883 and 1884 the works both under the Mersey and on the landward extensions, were in full swing." "The visitors * * * inspected the lower drainage headings * * * and the devices to dispose of the water which percolated through the rock during the process of construction." * * * "On the Cheshire side a splendid engineering work was completed at immense cost through soft sand, the difficulty and importance of which the passengers * * * will have no idea." The 17th Jan., 1884, was a great day in the history of the Railway, for the last few feet of rock, which divided the Beaumont tunnel on the Birkenhead side from the drift way on the Liverpool side were broken away by the boring machine. * * * "The distance across from shaft to shaft was 1,770 yards, or rather more than a mile * * * ."

MAIN TUNNEL 26 BY 23 FEET.

"So soon as the necessary length of excavation at each face of the 'brick ups' in the tunnel, some 9 to 12 feet, was taken out, the bricklayers came in and rapidly built up the permanent tunnel. This consists of from six to eight rings of the most solid brickwork in cement, the two inner curves being blue Staffordshire or Buckley bricks. The width of the tunnel is 26 feet, the height above rails 19 feet, giving a height of 23 feet from invert to crown of tunnel. At the two stations * * * the tunnel arch is enlarged to 50 feet 6 inches span and 32 feet in height, by a length of 400 feet.

A TUNNEL FOR VENTILATION.

"In addition to the Railway tunnel, a parallel drift way was driven by the Beaumont Boring Machine for the purpose of ventilation. This ventilation heading is 2,300 yards in length, and is connected with the railway tunnel in eight different places by means of cross cuts, which, being provided with suitable doors, enables the air to be conducted to the fans from a number of points.

"The ventilation is effected by means of four Guibal fans, two on the Birkenhead, and two on the Liverpool side of the river. One 30 feet in diameter * * * throws 186,000 cubic feet of air per minute * * * the fan at Shore road is 40 feet in diameter by 12 feet in width in the blast, and this draws the air from the tunnel at the centre of river through the ventilation heading up to the fan itself. The principle aimed at in the scheme is that pure air shall enter the station, and travel inwards in either direction into the tunnel to the respective fans, thus keeping the platforms as free as possible from the smoke. * * * The fans at Liverpool are similar to those at Birkenhead."

The quantity of air thrown by all four fans is about 600,000 feet per minute. So that the entire air of the tunnel is changed every seven minutes. (Suppose they break, what then?)

IF MACHINERY STOPS IT WILL BE "SOME HOURS" BEFORE THE TRACKS WILL BE UNDER WATER.

"The company's pumping machinery is capable of dealing with four times the quantity of water, which makes its way into the drainage headway, and even were the pumps from any cause temporarily to cease work, it would take some hours before the water rose to the level of the rails in the tunnel."

GAS PREFERABLE TO ELECTRIC LIGHT.

"The engineers are believed to have evinced sound judgment in deciding to light the stations with gas in preference to electricity, * * * it was considered that it should not be adopted unless gas was also immediately available, in case of the inevitable break down that sooner or later occurs. * * * An equivalent amount of light in each case, the cost of establishing the latter is still four times that of the former."

CONNECTION WITH RAILWAY SYSTEM DISCOVERED TO BE A NECESSITY.

"In the last session of Parliament (1886), the company obtained an act for connecting the tunnel with the line of railway running along

the Liverpool dock." * * * "On the Birkenhead side, the company obtained an act in 1880, for a branch in the direction of North Birkenhead and the Great Float, along the line of Beckwith street, to a station under the Park beyond Duke street. Here it will be met by the Wirral Railway, which will unite it with the railway now for many years running from the head of Wallsey Pool to Hoylake, thus bringing Hoylake and West Kirby and their neighborhood, unsurpassed as watering places and for all residential purposes, within less than half an hour's through railway journey from the Liverpool Exchange." * * *

The completion of the first stage of the Mersey Railway, marking the point where it could be operated, may be said to be when it received the statutory inspection by the Government Inspectors which took place January 4, 1886.

PROMISED INDUCEMENTS TO INVESTORS.

For the purpose of showing briefly the high expectations indulged in by the promoters of the Mersey Tunnel, as well as by men prominent in public affairs, and of showing the superior reasons for success in the case of the Mersey Tunnel over the East River Tunnel in the scheme as now presented, and of showing how deplorably those expectations were disappointed when put to the practical test, attention is called to the following. The Directors in 1881 published a statement from which the following facts are taken :

"Capital, £866,000 (\$4,330,000)" * * * The railway will be a little over two and a half miles in length. * * * The traffic is estimated as follows : * * * 13,000,000 passengers per annum, at an average fare of 2d. each..... £108,323
500,000 tons goods per annum, at 1s. per ton. 25,000
Parcels and sundries..... 6,000 * * *

Deduct 50 per cent. for working expenses, net balance, £58,866.
Equal to a dividend of 9 per cent. upon the capital."

"Shafts were sunk * * * to a depth of 180 feet in order to drive a trial heading, which should also serve to drain the main tunnel. * * * The quality of the rock proving on both sides of the river to be both hard and uniform, the company has determined to proceed with the main tunnel." * * *

About the same time the Mayor of Liverpool said : "It is an undertaking which would rank as one of the most important engineering works of the present generation, * * * uniting together the two great parts of the Mersey Dock estate, and linking together the manu-

facturing population of Lancashire and Yorkshire with the agricultural and mining districts of Cheshire and North Wales."

DIMENSIONS—POWER.

The Chairman upon the same occasion said : "The two main shafts have been sunk, that at Liverpool to the depth of 173 feet, with a diameter of 15 feet ; and that at Birkenhead to a depth of 170 feet with a diameter of 17 feet. * * * The diameter of the second shafts were each ten feet ; the pumping power at the Liverpool end amounts to seven millions per diem : * * * that at Birkenhead end to no less than six millions, * * * up to the present time ; the water which has been forced at either end of the works has been mainly derived from land sources, and that there is very little evidence of any water coming from the bed of the river, * * *. The traffic which we may expect with regard to goods and minerals is one which I will not dilate upon to-day, but I will point out that there is a great business to be done in that way. Even if we run passenger trains, as we hope to do, every five minutes during the day hours, at night we shall be able to run mineral trains, and if gentlemen have considered the importance of the great coal fields of North Wales to the City of Liverpool, they will at once perceive the enormous prospect of business there is in the way of transporting minerals from Flintshire and Denbigshire to the City of Liverpool. We have also some of the best building stone in the world * * * and other products, such as lime, which are ready for importation to Liverpool as soon as fresh communication can be arrived at."

IN-PRESS OF WATER—THE GREAT DANGER.

The *London Times* of October 31, 1881, said :

"An engineering enterprise of great boldness, and one which will link together the railway systems of Lancashire and Cheshire, now divided by the deep waters of the Mersey. * * * The lowest point at which the Mersey is bridged is at Runcorn, where the London and Northwestern Railway Company have constructed one of the most massive bridges in the kingdom. * * * The passenger traffic also promises to be considerable, inasmuch as this line will draw together the 750,000 residents in Liverpool and the suburbs, and the 100,000 dwellers on the Cheshire banks. * * * It will be a work of enormous magnitude. * * * The geographical formation is favorable to tunneling. The stratum consists of red sandstone of solid formation. * * * The in-pressure of water, of course, is the danger chiefly to be apprehended.

CAN LONG ISLAND OFFER NEW YORK CITY SUCH INDUCEMENTS AS
THE FOLLOWING—FOR THE VOTERS IT PROPOSES TO EXTRACT.

Hon. Wm. E. Gladstone, Oct. 16, 1886, said :

“How is Liverpool situated? No one can fail to be struck, upon looking at the map, by the peculiarity of its position. It is impossible to conceive a more favorable situation, if you look at the back country to the east, because there it has that vast manufacturing district which it supplies with the necessary materials of its industry and with a large portion of its food. But that relates to the east alone. Look to the west, and see how Liverpool is situated on the west. In the first place, you have the Mersey running nearly north and south; thus you have the Hundred of Wirral, which is, after all, but a narrow strip of country; and then intervenes another river, separating the Hundred of Wirral from Wales, as the Mersey separates it from Liverpool. Now the intervening of these two rivers did for a long time make Liverpool a perfectly solitary town so far as the country lying westward is concerned. * * * You have efficient railways—but those railways, unfortunately, laboring under the fatal disadvantage of making long circuits. * * * Now what is the position of North Wales? * * * But it is extremely rich in minerals. * * * I take the stone of North Wales. * * * Take slate alone. * * * There is coal. * * * There are brick and clay works carried on largely in North Wales. * * * The most valuable commodity we produce—the one which approaches nearest to a precious metal—is the commodity of lead. * * * Now, these commodities must be carried by railways, which cannot bring them direct to Liverpool. Liverpool is the natural metropolis of North Wales. * * * It has been cut off from you * * * by these two rivers, and until the great enterprise of the tunnel was commenced nothing else could be taken in hand, with serious advantages for effecting the happy marriage, if I may so call it, between Liverpool and North Wales.”

COUNT THE COST.

The chairman upon the same occasion said: “He had been asked several times where was Wirral? That to his mind displayed very great ignorance. However, they knew that the Hundred of Wirral was an oblong part of Cheshire, situated between the Dee and the Mersey, about 18 miles long and from six to eight miles broad. * * * With respect to the Mersey tunnel, he might mention that he had received that morning a communication from Mr. Fox, the engineer, to the effect that out of a distance of 1,770 yards between shaft and

shaft on each side of the Mersey, that morning there only remained 229 yards to complete and finish. Mr. Fox mentioned a circumstance which was perhaps very encouraging to them, that the cost of the Mersey Railway was something about £400,000 per mile—not much more than half what the Metropolitan Railway was, £770,000 per mile, while the Metropolitan District Railway cost £716,000 a mile.”

THE 20,000,000 OF PASSENGERS WHO PREFERRED THE FERRIES.

A Prospectus issued by the Directors, Feb. 1, 1886, said: “At the present time the traffic is carried across by means of Steam Ferries. Over 26,000,000 of passengers are ferried across annually. * * * The total tonnage annually carried amounts to more than 750,600 tons. * * * At the present time all the railways on the Liverpool side are compelled to carry their traffic round to the Birkenhead side by making a detour—via Runcorn, of over 30 miles.”

NOW FOR THE REALIZATION—RECEIVERS APPOINTED.

The report of the Directors for the half year ending December 31st, 1887, when The Mersey Railway was in the hands of a Receiver appointed by the High Court of Justice—says: “The total receipts from all sources for the half year ended December 31, 1887, have been £20,469.9s., as compared with £21,482.15s. for the corresponding period of 1886. * * * The working expense having been * * * at the rate of 77.78 per cent. * * * The number of passengers conveyed during the six months ended December 31, 1887, has been 2,492,070 as against 2,992,428 for the corresponding period of 1886. * * * The number of ordinary passengers conveyed since the date of its opening—

Feb. 1886, 5 months	2,492,957	Season Tickets	1184.
Dec. 31, “ 6 “	2,992,423	“	1771.
June 30, '87, 6 “	2,865,555	“	3002.
Dec. 31, “ 6 “	2,492,070	“	2951.

“No. 1. Statement of capital authorized and created by the company.”

“The Mersey Railway Acct. of 1866, 1871, 1882, 1883, 1884, 1885, 1886, 1887, was on stock and shares £2,685,000, Loans, £394,600.
“Total £3,573,600.

“Expenditures on lines computed.....£2,246,420 14 3
Deduct on Debenture Stock.....11,661 14 9

£2,258,088 8 0

“ Miles authorized—lines owned by the company 6 m.—0 f. 8 ch.—miles constructed, 3 m. 4 f. 4 ch.—miles constructed or to be constructed 2 m. 4 f. 4 ch.—miles worked by engines 2 m. 3 f. 4 ch.”

DAMAGES—THE NINTH PARLIAMENTARY ACT APPLIED FOR.

The Liverpool *Daily Post*, of Tuesday, July 24, 1888, under the caption “The Mersey Railway Bill—A New Arrangement”—prints the following, “The bill of the Mersey Railway Company for new works and fresh capital came before a Select Committee of the House of Commons yesterday * * * Mr. Bidder explained the object of the bills, viz: to complete works on the Liverpool and Birkenhead side and to issue £200,000 new debenture stock.

BANKRUPTCY—BIRKENHEAD, LIKE NEW YORK CITY, WANTS TO HANDLE THE SECURITY.

* * * He stated that the company was in serious pecuniary difficulties; at present they owed about £20,000 for debenture interest besides which they had a large number of creditors, amongst others the contractor and the corporation of Birkenhead. The latter seemed to take a very shortsighted view of the case, because the operation of the company would enormously raise the value of property in Birkenhead. Under an existing Act of Parliament the parties were obliged to pay the corporation £50,000. They had already been paid £20,000, and £30,000 was still due. The corporation said they would not object to the company raising further capital provided that the £30,000 still due to the corporation was fully secured and they asked that their debt should be made a first charge on the undertaking.” * * * “Mr. Scotter further stated that * * * the debenture holders had met and assented to the scheme, which would enable the company to raise £200,000, as a predebenture stock, and £318,000 behind that.” “Mr. E. P. Bouvier, Chairman of the Mersey Railway Company, stated * * * if the bill did not pass nobody would get anything * * * they were now in connection with the Wirral system, on the other side of the water.

DAMAGES.

Cross-examined: No doubt a great deal of damage had been done by the works in Beckwith street.” * * * “Mr. Gill, Town Clerk of Birkenhead, said the work in Beckwith street has caused a complete disorganization of the sewerage system. The local Government Board had sent down an inspector, and an expenditure of £6,000 had been sanctioned to make good the damage. The necessary

works would be completed in three or four months, and in the meantime the taxpayers would have to bear the expense. The corporation did not object to the company having further borrowing powers, but they asked that before the new works were gone on with the corporation should be recouped the £6,000 they had already incurred, that the property-owners who had been injured should also be compensated, and that a sum of money should be deposited, sufficient to cover similar injuries to public and private property that might be caused in future * * *” Mr. Bidder said he would have no objection to come under an obligation, that when the line went under a street the whole or a part of it should be done, “cut and cover.” “Mr. E. P. Smith gave similar evidence, and also spoke to the injury to property along the line already made. The owners were strongly opposed to the work going on unless security was given.

PARLIAMENT WAS CONTEMPLATING HOW BEST TO GET OUT OF A
“GREAT HARDSHIP” — WE MORE WISELY PROPOSE TO KEEP
OUT.

“The committee having consulted, the Chairman said they had carefully considered the suggestion of counsel in regard to the whole case, which was one of great hardship, and they were of the opinion that the preamble of the bill was proved, subject to the insertion of a clause for making the new extension to the Birkenhead docks under the plans known as “cut and cover.”

The True Interests of New York City — What are they?

THIS IS UNDOUBTEDLY A FAR WEST AND ATLANTIC FREIGHT
ROAD.

The endeavor has been, in the foregoing two divisions of this brief, to expose the attempted concealment of the real purpose of the New York and Long Island Railroad Company, and to show that if it is to confine itself to “traffic” between New York City and Long Island, as it now seems to pretend, the tunnel is an enterprise of such immense magnitude, in difficulties to be overcome, in time to be consumed in construction, and in cost to be incurred, as to stamp the scheme indelibly as a piece of financial folly. Showing this, leads to the inevitable conclusion that the pretended purpose is not the true one; but that the real purpose is that originally published by this company—namely—“To connect with what is now known as the Hudson River

Tunnel": That, of course, meant precisely what the Alderman suspected, namely—transportation from the South and West under New York City to some other locality than New York City. The Hudson River tunnel, by itself considered, was not necessarily detrimental to this city because it terminated in the city; but connecting it, or any similar tunnel, with another tunnel which continues under, across and beyond the city, indicates a new purpose and presents a different question for discussion.

IS THIS CHARTER MERELY ONE TO SPECULATE ON?

No one in his senses can doubt that either this scheme is another of those nefarious projects for obtaining chartered rights at the expense of the public and of property-owners, under the pretense of affording great public convenience, but really for the purpose of hawking the charter as a speculative enterprise, of which this city has had sad examples, or that it is intended to convey "long haul" freight to shipping at Montauk Point or Gowanus Bay, where extraordinary preparations are being made to avoid New York City charges, or to some other Long Island port.

The intimation that a paying passenger traffic could be induced through a dark, deep subaqueous tunnel of such a character as the proposed one in competition with our adequate ferry and bridge facilities, even though the tunnel were conveniently located, can only excite the smile of incredulity.

If such had been its purpose, that tunnel would have been located between New York City and Brooklyn instead of between Long Island City, Blackwell's Island, Kipp's Bay and Weehawken, a route accommodating the criminal class much more than ordinary travelers. The Mersey tunnel succeeded in inducing less than 6,000,000 of the 26,000,000 annual ferry passengers through its subterranean bore during the first year of its operation; and the number grew less and less as the novelty wore off and the danger became more apparent. That the proposed tunnel will meet with competition still more disastrous the very nature of the situation and the Mersey experience demonstrates beforehand.

BROOKLYN IS LONG ISLAND.

So far as passenger traffic is concerned Brooklyn is Long Island; and substantially all of Brooklyn lies south of a line drawn east and west across New York City at Houston street. Below this line substantially all of the passenger traffic between the two cities crosses the river. Is it to be pretended that instead of crossing Brooklyn Bridge or our numerous and ample short ferries, that of Houston street being

only 725 yards in length, passengers are likely for the purpose of patronizing this turne to travel the three miles on Manhattan Island to Thirty-eighth street, one mile under the east river, and four miles on Long Island, substantially eight miles, and such miles, in going from the City Hall in New York to the City Hall in Brooklyn, and substantially an equal average distance from and to other points in the two cities. No proposition could better define absurdity.

IS THIS TUNNEL FOR LOCAL FREIGHT ?

Where is local freight in paying quantities to come from and go to ? Long Island is already more thickly settled with railroads than with anything else. Does it expect this tunnel will give them something to do ? Brooklyn from Greenwood Cemetery to the Bridge is the retreat where New York traders go to vote and to rest ; a city of churches, whose inhabitants resort to this city for their secular pursuits.

Long Island is not famous for its minerals, woods, granaries, manufactories, flocks, herds, or for its commerce in carrying these commodities for others. It requires only supplies for its domestic use, and no one has ever been impressed with any public clamor on the part of its inhabitants that the consumption of the necessities of life transcends the ability of the bridge and the ferries to supply.

If the idea that this tunnel is intended for such local passengers and freight as could be induced into its inconvenient and forbidding channels must be dismissed as chimerical, then this projected tunnel must be none other than that suspected by the Board of Aldermen, namely : One designed to avoid transshipment in New York City, and therefore necessarily tending to cripple its commerce and to retard its prosperity.

THE ALDERMEN ARE BOUND TO OPPOSE THIS TUNNEL.

The Board of Aldermen of New York City is not a charitable or an eleemosynary institution, but strictly the constituted guardians of the material interests of the municipality alone. It may truthfully be affirmed, and affirmed in no illiberal or narrow sense, that it would be the duty of the Board, if it were possible without retarding the city's growth, to compel every person, who permanently transacts his business within this city, to reside within its limits, vote at its polls, build its dwellings upon its vacant lots, and not only pay its taxes here, instead of into the treasury of its neighbors, but by his occupation enhance the valuation of surrounding city property and thus furnish somewhat of the means it costs this city to afford him his business facilities. This may not be compelled, but should it not so far as possible be induced ? Should an opposite policy be tolerated ?

The immense cost of caring for and repairing the miles of streets already occupied and of preparing for occupation our uninhabited domain must be paid for by local taxation, and the values upon which such taxation is based are so enhanced by occupation that the first great duty of the local government is, by every means in its power, to first people its own territory, and afterwards look with complacency upon its overflow, through which its neighbors thrive.

Municipal transactions should primarily tend to local advantage. When yielding advantage to others, this city should seek its recompense, precisely as individuals do, by exacting equivalents. What equivalent has Long Island or New Jersey to offer New York City for inducing her business men to become their citizens, when its own lands are not half populated?

Every facility afforded for more accessible homes off Manhattan Island than on it; every neglect to open up and to render attractive and accessible to the utmost degree to our traders and our laborers our own unimproved lands amounts to such an inducement.

THIS CITY HAS BEEN MORE GENEROUS TO ITS NEIGHBORS THAN JUST TO ITSELF.

Rapid transit up the Island instead of off the Island should have been the policy of the past, and must be the policy of the future. The aggregate loss, in its multitude of forms, arising from this mistaken policy of the past, no man can calculate. In some of its phases, however, it is appreciable. Brooklyn and even Jersey City have outstripped New York City in percentage of increase of population. If our increase in the last eight years had equaled the percentage attained by Brooklyn we should now number about 1,800,000 inhabitants, instead of about 1,600,000. That 200,000 of population, if it could be restored to this city, and settled around its new and magnificent parks, would, from taxation arising from increased valuations, amply supply the fund for their purchase and improvement. From what source has Brooklyn or Jersey City gained this extra population, excepting from New York City? If the same facilities had been afforded to our business men, and our laboring men, in search of cheap homes, to rapidly reach the healthful, beautiful and inexpensive building sites within our city limits, that we have afforded by our twenty-five ferries and Brooklyn Bridge, by which to get off the Island, will any one pretend that the natural attractions of Long Island and Jersey City would have so fatally competed with Manhattan Island in this matter of population?

Shall we continue the tendency in the wrong direction by authorizing tunnels to Long Island which can by no possibility do other than withdraw from us our resources ?

WHAT MADE NEW YORK AND WHAT MAINLY CONTRIBUTES TO ITS GROWTH.

The unrivaled geographical position and harbor determined the site of New York City, and the necessity that the products of the earth and of the industries in their transit to and over the Atlantic and across the Continent should be handled here filled that site with its marvelous enterprise and prosperity. Tunnels, railroads and other transportation companies which aim solely at their own interests and not at the city's ; whose dividends might be enhanced if they could get rid of the toll for handling their cargoes, upon which handling our city thrives, have some reason for asking tunnel privileges under New York island, but the Board of Aldermen have none for granting them. The time may arrive when our city limits are filled to overflowing, that the policy of honeycombing the Island under our streets, parks, churches, public and business buildings and dwellings in the interest of railroads who want to pass under and by us may be tolerated, but that time is not yet.

OUR UNLIMITED AND MARVELOUS ATTRACTIONS INVITE INCREASED RAPID TRANSIT TO THE NORTHERN LIMITS OF THE CITY.

We have generously contributed toward populating the 16 odd square miles of Jersey City, the 26 odd square miles of Brooklyn, and is it not obvious that all our tendencies should now tend toward peopling the 41 square miles of New York City. This city is the metropolis of a nation which will in 1927 contain nearly 200,000,000 of people if the rate of increase continues in the future as in the past. Ten years before that period, if true to its own interest, New York City ought to have a population of about six millions. To-day it has less than 2,000,000, while possessing land capacity for more than three times that number. Broad and bountiful provisions for future millions has marked our recent policy. We have doubled our territory by annexing 12,317 acres of land beyond the Harlem River ; we have added 3,800 odd acres to our 1,200 odd acres of Parks and Parkways. We have increased our water supply by completely draining two counties at an additional cost of over eighteen millions of dollars, and now, logically, we should husband our resources for peopling our unimproved acres.

No city on the face of the earth can equal the location of New York in everything that contributes to health and comfort. Its territory, stretching about 17 miles northward from the Battery to its Pelham Bay Park, over hill and valley, woods and streams, is washed by broad, deep, rapid rivers, and enjoys both sea and mountain air. For about 13 miles above the Grand Central Station it exhibits one of the best park systems in the world, culminating in Pelham Bay Park, which alone presents nine miles of seashore, and is justly called "the Newport of the toilers." Any, even the most distant part of this magnificent domain can and ought to be within half an hour's ride of every dwelling within the city limits, and reached at a cost of five cents fare. To accomplish this, rapid transit up and down the city alone is wanting. When it is realized there will be an end to the pretense that our wage-earners must become citizens of New Jersey or Long Island, and in their daily experience be liable to encounter the annoyance and detention of fog and ice upon the river, or the more obnoxious experience in tunnels, for their cheap homes will be located within the city limits and at less distances from their work than is required to escape the miasmas of New Jersey marshes or the stench of the proposed tunnel, and its freightage of "garbage," and the odors of Newtown Creek.

RAPID TRANSIT WILL PAY.

No policy can be wiser than for our City Government to encourage every reasonable project for permanent, pleasant and inexpensive transportation to and beyond the Harlem; and no policy can be more suicidal than to grant cross-town privileges which will erect themselves into barriers to progress up and down the city's length. The New York and Long Island Railroad Tunnel, if authorized from river to river, will gird the city midway with an impassable zone of selfishness potent to arrest that kind of rapid travel which the interest of the city imperatively demand with its claim of "vested rights." Locate the monopoly ever so deep, ever so shallow, its claims for facilities deeper and higher than its legal location will surely embarrass progress across its fatal line.

The rapid transit of the future, while securing untold advantages to the community at large, ought not, as in the past, systematically to rob the property owners along its routes of their property and rights. The swift and endless increase of transportation patronage, which the future of this city must guarantee, will afford ample revenue out of which to compensate property owners, pay honest construction bills

and ample dividends. The city could well afford, when considered as a financial venture alone, itself to build these rapid transit roads, in view of the immense revenue it would secure from increase of valuation arising from improvement and occupation of its territory. All experience in this country and elsewhere proves the profitableness of municipal improvements in the shape of pleasure grounds, drives and parks. It is estimated that the excess of taxation upon the increase of valuation caused by laying out Central Park has already repaid for its six or seven millions of dollars cost of land, its twenty thousand dollars per acre cost of improvements, and left a balance in the city treasury of more than seventeen millions of dollars.

THE MAJORITY REPORT OF THE RAILROAD COMPANY SUMS UP THE ARGUMENT.

Extensive argument may elaborate, but it can hardly improve the statement of the true grounds of objection to the tunnel scheme so tersely given in the majority report of the railroad committee of the Board of Aldermen, portions of which have already been quoted herein. The length of this paper can only, after such a convincing report and such an overwhelming defeat of the scheme, be justified in view of the unparalleled audacity of the New York and Long Island Railroad Company in making a second application to this Board for substantially the same favor, which, after months of unopposed hearing afforded it, was rejected by a vote of nineteen to four, and after experiencing a no less signal defeat at the hands of the Legislature of the State, and after a cool reception from the Supreme Court, upon a petition still pending asking it to override the constitutional authority of this Board to pass upon the question of public necessity for this tunnel, and after other efforts to insult, malign and punish this Board for daring to refuse to grant to a corporation—having only a paper existence, with a capital of one hundred thousand dollars, and concerning which, in its petition to the Supreme Court, it says, “that at least, one thousand dollars for every mile of railroad proposed (5 miles is the length) * * * has been duly subscribed in good faith, and ten per centum of the par value thereof has been paid in cash” (about 500 dollars cash capital)—the right to undertake an enterprise requiring from ten to twenty millions of dollars, to accomplish, to say nothing of the damage with which it will menace twenty millions of private property and the true interests of the city and of its inhabitants. I repeat that nothing but the unapproachable assurance of such an application under such circumstances can excuse the length of this paper.

What possible grounds can exist justifying this second application ? Is resort to other than argument to be relied upon by this corporation ? Is it to be assumed that the Board of Aldermen are so craven as to reverse their majority of 19 to 4 under the intimidation which has been attempted by this corporation ?

So long as the Aldermen stand upon the unanswerable reasoning of their Railroad Committee's Majority Report, it will cost but little courage to predict that they cannot be indicted, however many times they reject this double faced, perilous tunnel scheme.

B. F. WATSON, Of Counsel
for Thirty-eighth Street Property Owners.

REJOINDER

TO THE

Reply of EVERETT P. WHEELER & A. D. PALMER.

“RAPID TRANSIT UP THE ISLAND,

INSTEAD OF

RAPID TRANSIT OFF THE ISLAND.”

WATSON.

Committee of Thirty-eighth Street Property Owners :

B. F. WATSON, Chairman,
 C. P. LATTING, Secretary.
 CHARLES T. BARNEY, Treasurer,
 PETER C. BAKER,
 SAMUEL P. AVERY,
 WM. L. ANDREWS,
 JAMES M. CONSTABLE,
 B. F. DUNNING,
 LOUIS F. KIEFER, M. D.,
 CHARLES SCRIBNER,
 THOMAS BOESE,
 WILLIAM R. GRACE,
 HENRY STEERS,
 RANSEL M. STREETER, M. D.,
 JACOB WENDELL,

Executive Committee :

WATSON, BAKER, LATTING, BARNEY, AVERY.

IN THE MATTER

of

The second application to the BOARD OF ALDERMEN by the NEW YORK AND LONG ISLAND RAILROAD COMPANY for leave to excavate a tunnel under New York City, through Thirty-eighth street, and to operate a railroad therein, with branches, tunnels, etc.

B. F. Watson's Rejoinder on behalf of the property-owners on Thirty-eighth street, in opposition to the tunnel.

This rejoinder is to the reply, on behalf of the petitioning railroad company, of Appleton D. Palmer, attorney, and Everett P. Wheeler, counsel, to the brief of the undersigned in answer to the first brief of the petitioners presented to the Aldermanic Committee on Bridges and Tunnels.

Briefly stated, the history of this tunnel scheme is as follows: Certain persons formed a corporation under the statute and certified that their nominal capital stock was \$100,000, of which five per centum, or \$5,000, had actually been subscribed, and ten per centum of such subscriptions, that is, \$500, had actually been paid in. This company applied about January, 1888, to the Board of Aldermen for leave to tunnel under the East river and under Manhattan Island for the purpose of forming a connection with the Hudson River Tunnel and for a railroad therein to be operated as a common carrier of persons and property. There was no opposition made to this application, for the reason that the pendency of the petition was not communicated to those who would be likely to oppose it. After repeated hearings before the Aldermanic Committee on Railroads, at which interested testimony was given and a so-called petition of workingmen was introduced (the peculiar method of obtaining the signatures to which were carefully concealed), the Railroad Committee reported against the scheme, giving most cogent reasons therefor, and the Board rejected the application 19 to 4. Application was then made by this corporation to the Legislature of New York State for such amendments to existing laws as would enable it to nullify the opposition of the Aldermen and to secure the

right to tunnel under the city in spite of the Board. The opponents of the scheme, after a brief exposition of its true character, had no difficulty in effecting its defeat by the Legislature. This corporation then applied to the Supreme Court to enforce the same law sought to be amended, notwithstanding it had been declared by the Court of Appeals to be unconstitutional, again endeavoring thereby to nullify the authority of the Aldermen, conferred upon them by the Constitution of the State. The Court refused to entertain the petition at that time on the ground that the property-owners, who were the most interested parties, had not been given sufficient notice of the application and, against the strenuous opposition of this corporation, it postponed the hearing from June to October. That petition is still pending and will be prosecuted after the Aldermen, upon this application, again refuse their consent. Immediately following this third failure some one attempted to obtain indictments against certain of the Aldermen for alleged corruption on the part of the nineteen Aldermen who had, for unanswerable reasons, rejected this project, which attempt, also, was an ignominious failure. Whereupon this corporation, with unparalleled presumption, made this second application to the Aldermen for substantially the same scheme in form and precisely the same scheme in reality as that one which had been rejected 19 to 4; and this application was referred to the Committee on Bridges and Tunnels. Every effort has been made in behalf of this Corporation to force a hearing upon this second application during the usual summer vacation. At the first hearing on this second application this Corporation caused a printed Brief to be presented, and at the second and last hearing two unimportant witnesses were examined by the Petitioners and oral arguments were made for and against the scheme and the undersigned, on behalf of the opponents, presented a Brief in answer to that of Petitioners and the Committee adjourned for the purpose of making up and presenting their report to the Board. Subsequently the Reply on behalf of this Corporation to the Brief of the undersigned was written, printed and distributed; and to that Reply this Brief is a rejoinder.

The said Brief of the undersigned argued in favor of "RAPID TRANSIT UP THE ISLAND INSTEAD OF RAPID TRANSIT OFF THE ISLAND;" the argument being arranged under three general heads, namely: 1st "The New York and Long Island Railroad Company—What is it?"—2d "The Mersey Railway"—3d "The true interests of New York City—What are they?"

Under the 1st General Head it was shown that this Corporation after each failure pretended to alter its scheme in just so far as seemingly to

avoid the latest objection, while in fact it retained its original purpose. This inconsistent and sinuous course rendered it an object of just suspicion. It was demonstrated that the real purpose of this scheme, originally avowed, but subsequently denied, to avoid the opposition of the Board of Aldermen, was, to transport the products of the West under New York City to some cheaper port of shipment, thereby avoiding the handling charges for transshipment in this city. It was shown that if this was not the real purpose the scheme was a financial folly of the most transparent character; that it was absurd to suppose that merely local traffic in transporting persons or freight to and from Long Island was an inducement sufficient to secure the many millions of dollars which the project would cost to complete, if it ever could be completed. It was shown that the expense of pumping, fanning and operating such a tunnel would amount to more than two-thirds of any possible earnings.

Under the 2d General Head the extent of this undertaking, the immense cost it would entail, the years which would be consumed in construction, the tremendous engineering difficulties which must be encountered, the constant danger of drowning the tunnel, and everything found therein, the aversion of people to traveling in subaqueous tunnels, the financial failure which was certain to follow the investment, were demonstrated by citing the history of the Mersey Railway Tunnel which in all things so paralleled the proposed tunnel as to be an apt illustration of the actual experience awaiting this project, if it ever attained any stage beyond promises and theories. The Mersey Tunnel proved a complete failure, involving in disaster and disappointment the promoters of the scheme, the contractor for building it, those who, induced by extravagant predictions, invested in its securities, and all property-owners within the line of its devastation.

Under the 3d General Head it was shown to be the imperative duty of the Aldermen to reject the scheme of a few speculators to subvert the true interest of the municipality, and to take from workingmen of this city the handling of the freightage by which many of them live and thrive, in order to secure an increase in the profits of the great railroad lines which are common carriers between the West and the port of New York from whence their cargoes are transhipped for foreign ports. This Brief also showed that in the past the facilities furnished by the action or consent of this city enabling our business men to reach the territory of our neighbors had been altogether out of proportion to those furnished for reaching our own vacant lands, a fact resulting in our detriment, and that it was the obvious policy of the future to increase the facilities for rapid and cheap transportation to our own uninhabited territory,

not only because this course would enrich this city by the increase of valuation arising from occupation, but because these lands are, in all respects of location, healthfulness, and general availability for poor as well as rich, superior to the lands of Long Island or New Jersey in the vicinity of New York City.

Since the hearing before the Committee on Tunnels, information has been received that some interested parties have an agent now in Europe enlisting capitalists in the enterprise of resuscitating and completing the drowned Hudson River Tunnel. The fact is very suggestive and worthy of consideration in this connection.

THE REPLY REVIEWED.

The First Point of the Reply asserts this petition to be in fact an offer of \$60,000 a year to the city treasury for a "strip of rock" which is now of "no use to any one" and for which "the objectors offer nothing;" and claims that it is the duty "of the Aldermen as trustees of the whole" to put this sum into the City Treasury and thereby secure "compensation for the imaginary injuries inflicted by the tunnel."

"Compensation" for "imaginary injuries" is good.

Nothing could better illustrate the modesty and sincerity of this railroad company than this substantial repetition of an historic offer of all the kingdoms of the world—an offer made by a personage who did not own a foot of land. It is not over-statement to characterize this corporation's offer as the impudent proposal of an invader to divide a small percentage of the loot with the despoiled owner. This offer of \$60,000 a year comes from a corporation which says:

"We have not the money now, because we have no franchise. Give us the franchise and we will have the money."

THIS OFFER IS A MOCKERY.

The Brief of the petitioners filed the 27th day of July last formally declared that the City was not entitled to any compensation for granting this privilege. Now the petitioners' case is in such straits as to force them to refer to an offer which never amounted to anything, but which has been formally renounced.

THE OFFER PLAINLY STATED.

The offer in substance is: If the Aldermen will grant to us interests in land to which we have no claim and over which the abutting owners only have legal authority, we will, if successful in this enterprise, divide the earnings, if there should ever be any, with the

City in the proportion of 95 per cent. to ourselves and 5 per cent. to the City.

THE ABUTTORS OWN ALL INTERESTS IN THE LAND NOT INCLUDED IN
THE EASEMENT BELONGING TO THE PUBLIC TO USE THE STREET
AS A HIGHWAY.

The petitioners say that the objectors "offer nothing" to offset their munificent proposition. True, and why? Because the objectors have bought and paid for this "strip of rock" and now own it. The highest legal tribunal of this State has settled the law to be that whether the abuttor upon a New York City street has or has not by technical terms of his deed obtained title to the centre of the street the City Government is owner only of the easement appertaining to a public highway, namely: the right of the public to travel in and over it, and in thickly settled localities the right to place at convenient distances below the surface such facilities for watering, lighting, draining, etc., the locality as public convenience requires. Even in the case where the City by purchase or otherwise secures ownership of the soil of the street the Court of Appeals decides that the opening of the street as a public highway is a dedication of the land to that use only and insures the rights and interests of the abutters who have bought and improved their lands in reliance upon the absolute condition that the street shall forever be exempted from any other use than that imposed upon it by the easement of the public to use it as a highway; and that any use of the surface of the street contemplated in its dedication as a public highway does not infringe upon the rights of the owners of the adjoining lands because they purchased with such an incumbrance attached to it; but that any other use of the land over which a street is laid, or use of the air space above that land is a trespass upon the abutters' rights, which the law does not sanction and will punish. The same Court also holds that elevated railroad and tunnels in streets are not such use of the street as its dedication as a public highway contemplated.

WHETHER THIS TUNNEL IS A FINANCIAL SUCCESS OR NOT THE
CITY AND ABUTTORS SUFFER DAMAGE.

The Reply says that if it be true as the objectors allege that this project cannot prove a financial success, "the parties interested in the plan are the only ones that will suffer loss." This is not true. A completed tunnel unsuccessfully operated, or a partially completed tunnel, may have produced as much havoc among the Sewers and Subterranean Pipe Systems as though the scheme had achieved the success

of inducing profitable patronage ; and the depreciation in the value of property along the street, and in the neighborhood, which the very existence of a tunnel would create, would be as great in case the scheme failed to remunerate its promoters as otherwise. The City and the abutters would indeed be greater losers in case of financial failure of the enterprise, because in such case there would be no responsible party from whom to enforce payment of the damages which at the best would fall far short of compensation for the injury inflicted.

The Second point of the Reply asserts that "if the residents are injured the petitioner will be obliged to pay for the injury." Pay out of what fund? A capital of \$100,000.00, \$5,000.00 of which have been subscribed, and ten per cent. of such Subscription has been paid in, will hardly repair the damage to \$18,000,000.00 or \$20,000,000.00 worth of private dwellings, and churches. The Reply objects to the valuation placed upon their property by the abutters. The petitioners, if they ever get so far as to excavate their tunnel, will find that, upon the question of damages, they will have to deal with market values and not "assessed values." The market value has not been overstated ; even if it had been, men have the right to affix a fictitious value to houses which are intended for their own comfort and pleasure and which are not for sale.

The Reply says that tunnels may be built, and trains run therein "without any injury whatever to the abutting owners:" that the petitioner called two witnesses who showed the facts, "and that not a single witness was called by the objectors to prove to the contrary." Did not the objectors call "the Mersey Railway," and demonstrate by actual experience the foolishness of the theory that blasting and running trains of cars under Sewers and foundations of buildings would cause no damage? The Mersey Tunnel damaged the Sewerage System of Birkenhead in a single instance more than \$30,000.00, and so injured property that all property-owners opposed it.

The Reply says, "The objectors ask why not take a wide street?" That certainly was a pertinent question which is not satisfactorily answered in the Reply.

If it be admitted that a tunnel will less endanger property along a wide street than along a narrow street, must there not be stronger reasons than the convenience of the corporation for choosing the narrower one? It has been aptly said that "beggars should not be choosers." The interests of property-owners and of the city should be considered rather than the fear of this corporation that the opposition of the residents on a street proper for their enterprise will be so great

that they find it more convenient to select an improper street. It is, however, objected that the five or ten feet difference between the altitude of Thirty-eighth street and that of Thirty-fourth or Forty-second streets makes it preferable that a narrow street, filled with private residences, shall be fully occupied rather than that of a wide street already devoted to business and to surface railroads should be partially occupied. It is absurd to claim that five or ten feet more or less added to the depth of a tunnel, projected 150 feet below the surface, is such an obstacle as to justify an improper selection of streets. The assertion that "the selection of Thirty-eighth street will enable the tunnel to be run under Tenth avenue without interfering with the sewer," is only one out of the multitude of reckless statements in which this Corporation indulges. By referring to the Brief of the undersigned, page 5, it will be seen that the top of the tunnel at Tenth avenue will be only seven feet below the surface of the avenue. The sewer at that point is thirteen feet below the surface of that avenue.

The Reply asserts that property-owners always oppose transportation facility through their streets, and adds: "The owners on Third and Sixth avenues opposed the elevated roads, and yet these roads doubled the value of property." The cases are not parallel. The elevated roads were absolutely required for public convenience, and they conveyed patronage to the doors of the traders on those avenues, while this tunnel proposes to carry freight and passengers under this city to the doors of business men outside the city. How can it benefit the people on Thirty-eighth street to have a tunnel which is to have "no opening in the street"—which "will not compete with any existing railroad?" Can it be possible that the writer of the reply believed the Aldermen so dull as not to see that no parallel exists between the tunnel in Thirty-eighth street, and the elevated roads in Third and Sixth avenues?

The reference to the Fourth avenue tunnel is quite as unfortunate. It is a public convenience, if not a necessity. It runs up and down the island, and lands its rich freightage in our city. Moreover, that tunnel was a choice between two evils. The Harlem railroad claimed and exercised the vested right of running through Fourth avenue on the surface for years, killing and maiming many who were exercising the right to traverse the city streets. It took years and almost a revolutionary rising of the people to stop this carnage and put this railroad underground. To accomplish it cost the city treasury millions of dollars. Besides, it is not true that the tunnel is no annoyance to the abutters in that widest avenue in the city. Shall we prevent this proposed tunnel now while we may, or grant it privileges which will some

day damage and annoy the property-owners as well as be destructive to the best interests of this community, and perhaps cost the city millions of dollars to abate the nuisance it will create. The newspapers of the day inform us of the catastrophe barely averted at the Hoosac tunnel, where the foul air prostrated fifty or sixty workmen, and left them lying senseless upon their backs, liable to be mangled by approaching trains, and this fearful danger was the result of the carelessness of a fireman, who put on fresh coal just before entering the tunnel. Who can predict the probable injury to health from this proposed tunnel, whether half excavated and abandoned, completed, abandoned and uncared for, owing to the want of patronage, or successfully operated as a commercial conduit?

The Third Point of this Reply reasons that the city will not be injured by the construction of this tunnel. This is the vital question. To it the convenience of abutters becomes secondary. Let it be shown that the public interests or the public convenience demands this measure, and the Thirty-eighth street property-owners will make such sacrifices as become good citizens. The proposed scheme is not one entitled to demand the surrender of property and homes. A purely speculative enterprise demands the property and rights of the city and of citizens, to be used as its capital, and this not in response to public demand or clamor.

This Reply fails successfully to answer the brief of the undersigned from p. 33 to p. 42, showing that it is for the true interests of this municipality to facilitate travel up the Island instead of off the Island; and that this tunnel not only will, but is intended to benefit other localities at the expense of New York City. The argument of the Reply seems to be that the prime concern of the City Government should be to tax the people who do reside upon the Island to furnish the funds with which to provide facilities for doing business on the Island during the day time by those who reside and pay their taxes elsewhere. No sophistry can controvert, however much it may obscure, the plain proposition that it is the duty of the Aldermen to promote rapid transit up the Island instead of off the Island, so that our vacant lands may become improved and our taxable valuations increased, instead of supplying facilities for our business men to reside in New Jersey or Long Island while they enjoy in this city the facilities for making fortunes provided by the overtaxed citizens thereof.

The Reply says that "no one can deny that the City of New York is overcrowded on the part of the Island below the Park." No one does deny it. But that crowd should be dispersed into our own vacant and healthful lands instead of elsewhere. The Reply fails to answer

the Brief of the undersigned upon the point that, with proper rapid transit, our own lands are not only more accessible but are in every way more desirable than those in New Jersey and Long Island which can be reached within the same distance. It must need be up-hill work for any one to prove to a New York Board of Aldermen that the interests of the City call upon them to give preference to their neighbors rather than to this city in the matter of rapid transit. The proposition is too plain to be controverted that there has been a mistake in the past in building up Brooklyn and Long Island, Jersey City and New Jersey at the expense of Manhattan Island and the upper Wards. We have at the cost of millions upon millions laid the foundations for a vast city beyond the Harlem, and it would be simply suicidal to hold out inducements for our people to shun instead of occupying the promised land.

The Reply scores its best point in noting the failure of the Brief of the undersigned to acknowledge the strongest argument in favor of building this tunnel at a cost of \$10,000,000 to \$20,000,000. Namely, that it would afford conveniences for the transportation to this city of Long Island "vegetables." Those vegetables must sell for several thousands of dollars annually.

But the Reply errs in asserting that it is assumed that no babies are born in Brooklyn. The lament was only that they are not born in New York City where their fathers earn the money with which to run the Nursery.

The Reply thinks it will be a great advantage to working men to have this tunnel built here. That depends very much upon whether the Contractor gets any funds with which to pay them. The contractor for the Mersey Tunnel was left unpaid by the promoters of that scheme.

As was stated in the oral argument in behalf of the objectors to the tunnel, it matters not whether it means connecting the West with Montauk Point to the exclusion of New York, or whether it means connecting the West with any other locality in Long Island or elsewhere to the exclusion of New York. That the project means to exclude New York from the advantages it has and to which it is entitled, is certain, or it is a stupendous financial folly.

The Reply undertakes to avoid by misrepresentations the illustration of the experience this tunnel will encounter, if it is ever built, so graphically shown by the history of the Mersey tunnel. This may be found at pages 17-33 of the former Brief of the undersigned. An attempt is made to liken this proposed tunnel to the New Aqueduct. The two have hardly any material thing in common. The New Aque-

duct, an unequaled example of rapid tunneling, is a pipe, "a heading," compared with this proposed tunnel ; it is a subterranean and not a subaqueous tunnel. It is true brooks and sewers were encountered and overcome with little difficulty ; the Harlem river was encountered, and there the difficulty and the expense were so immensely increased as to furnish a proper subject for reflections for those who propose to tunnel under the East river, in comparison with which the Harlem is but a brook. The Mersey tunnel is an apt reduction to practice of the blind and variegated theories with which these petitioners are amusing the Aldermen.

The Reply complains that the objectors over-estimate the cost of the proposed tunnel. The Mersey tunnel cost something about £400,000 (\$2,000,000) per mile—not much more than half what the Metropolitan Railway (London) cost, viz. : £770,000 per mile. While the Metropolitan District Railway cost £716,000 per mile.

The petitioners considerably assure the Aldermen, "we are willing to submit to any reasonable conditions imposed by the Board, and amongst other things that we should consent to the construction of any rapid transit road, either above or below our tunnel."

Would it not be as well for the Aldermen to retain in their own hands the power to "consent" to rapid transit up the island, instead of placing it in the hands of this corporation, whose idea of "reasonable conditions" might become very troublesome after they had obtained the desired privileges and crystalized them into "vested rights."

The shrewd suggestion of Colonel Titus in Parliament, as to allowing the claims of the Pretender, is respectfully recommended to the Aldermen :

"I hear a lion in the lobby roar ;
Say, Mr. Speaker, shall we close the door,
And keep him there, or shall we let him in,
To try if we can turn him out again ?"

B. F. WATSON,
of Counsel
for Thirty-eighth Street Property-owners.

NEW YORK, January 15, 1889.

To the Honorable the Board of Aldermen of the City of New York :

The petition of the New York and Long Island Railroad Company respectfully shows :

That throughout the last year the company has constantly sought the consent of your Honorable Body to the construction of a tunnel railway, joining this City with Long Island, and that a favorable report and resolution was presented by the Committee on Bridges and Tunnels of the late Board, but too late to be acted upon by that Board.

Your petitioner therefore prays that early action be taken by the present Board, agreeably to the report and resolution aforesaid.

And your petitioner will humbly pray, etc.

THE NEW YORK AND LONG ISLAND RAILROAD
COMPANY,

By ROY STONE, President.





